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OFFICE OF NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

NRA AND INDUSTRIAL HOMEWORK

By

O. W. Rosenzweig

(A Section of Part D: Control of Other Conditions of Employment)

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Work Materials No. 45 falls into the following parts:

PART A: Introduction
PART B: Control of Hours and Reemployment
PART C: Control of Wages
PART D: Control of Other Conditions of Employment
PART E: Section 7(a) of the Recovery Act

LABOR STUDIES SECTION
MARCH, 1936

OFFICE OF NATIONAL RECOVERY ADMINISTRATION

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MARCH, 1936

U. S. Dept of Commerce
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F O R E W O R D

This study of "FRA And Industrial Homework" was prepared by O. W. Rosenzweig of the Labor Studies Section, Mr. Solomon Barkin in charge.

As originally planned, the study contemplated both more extensive and more intensive coverage than could be completed under the existing limitations of personnel and research facilities. In particular, it will be observed that the manuscript of Chapter II contains only one of several projected sections; and Chapter IV, which was to set forth the author's conclusions, has been entirely omitted.

The study of homework in the Knitted Outerwear Industry, which is added as a supplement to the report proper, was prepared by the Homework Bureau of the Knitted Outerwear Industry in cooperation with the Labor Studies Section.

If uniform, or even comparable, labor standards are to be established in industries, the nature of the homework problem must be fully explored and understood. The author of this work as chairman of a special committee appointed by the Administrator to study the problem of homework, was closely associated with the development of policy on this subject and was in a position to observe the manner in which the problem manifested itself under the code system. This situation should add to the value of the data presented.

At the back of this report will be found a brief statement of the work of the Division of Review.

L.C. Marshall, Director
Division of Review

March 20, 1936

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(*) These schedules cover an eight-week period from April 1, 1935 to May 25, 1935, and they are reproduced exactly as submitted.

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AUTHOR'S PREFACE

The economic evolution of a nation usually involves a transition from household manufacture to the factory system of production. "The major portion of colonial manufacturing was done in the home, and no small part by the women and children," says Harold U. Faulkner in his "Economic History of the United States." (*) The next stage was that of small shops. Finally, with the advent of machinery and mechanical power the factory system came into being.

But in some industries where the materials and tools are light and easily portable, the home has continued to play a part in the productive process. In these industries work is regularly distributed to homes, where it is performed largely by women, sometimes with the help of small children.

Many studies of industrial homework have been made in various industries and localities. Invariably these studies have disclosed that the homework system resulted in child labor, extremely low rates of pay, and excessively long hours of work, in unsanitary surroundings. These conditions have led some investigators to the conclusion that homework is a menace, not only to the workers themselves but also to the consumers of homework products. Others believe the homework is not an evil; that it merely enables a few old or crippled people to work at home and thereby help to earn their own living, or housewives to supplement a meager family income.

Labor organizations and social agencies have dedicated themselves to a fight against the homework system. As long as homework continues, they argue, it will be possible for manufacturers to evade the higher working standards set by union agreements and State legislation.

A number of States have attempted to deal with the evils of the homework system through legislation. The United States Department of Labor has expressed the opinion, however, that "no adequate measure of control by means of state legislation has been devised during a period of fifty years since the first state homework law was enacted." (**)

The NIRA proposed to increase employment by shortening hours, to raise purchasing power by establishing minimum wage rates, and otherwise to improve the standards of labor. It provided a unique opportunity for the majority of an industry to establish standards for the entire industry on a national basis.

A program of stabilizing industry by fixing maximum hours and minimum wages and eliminating "unfair" and "destructive" competitive practices, had to reckon with the problem of industrial homework even though the Act made no mention of it.

118 out of 556 industries under basic codes included homework provisions in their codes. These provisions were by no means uniform either in form or in substance; they varied to meet the needs of the particular industry. The majority, however, definitely prohibited homework.

9840 (*) p. 26. Published by The MacMillan Company, New York City, 1929.
(**) p. 3, "A Study of Industrial Homework in the Summer and Fall of 1934," mimeographed, No. 3268, U.S. Department of Labor.

Homework provisions did not meet with uniformly successful results, due to the varying degrees of organization among the industries and the different factors and circumstances peculiar to the various industries. Some homework provisions accomplished the purposes for which they were designed, others did not. The details of this experience are in most instances lacking; the records contained in NRA files are sketchy. If they could be supplemented by the material in the files of unions, trade associations, and State and federal departments of labor, a much more complete analysis could undoubtedly be made.

Nevertheless, there is enough information available in NRA files to indicate the problems that arose and the obstacles that had to be met, and to disclose in some detail the experience of certain individual industries in their efforts to deal with the homework problem through their codes.

One industry -- Knitted Outerwear - made a study of homework. Although this study was not completed, due to the Schechter decision which ended all code activities, the facts collected have been assembled and form the basis for the supplement to this study, on homework in the Knitted Outerwear Industry.

Unfortunately, because of shortness of time and limitation of personnel, this report includes only a portion of the study which had been planned. Chapter II was to have presented an analysis of the experience of several industries with code homework provisions and the problem of regulating minimum wages and maximum hours of homeworkers. Chapter IV was to have contained the writer's conclusions based upon a general study of NRA and industrial homework, as well as his experience as Chairman of the NRA Homework Committee. Of these, only the first Section of Chapter II has been written.

Whatever merit this unfinished product can lay claim to is due, for the most part, to the generous counsel of my advisers, Dr. Paul F. Brissenden and Mr. Solomon Barkin. The Department of Labor has been more than helpful. The interest of several of its members has been a constant source of encouragement.

NRA AND INDUSTRIAL HOMEWORK (*)

CHAPTER I- INTRODUCTION

A. THE PROBLEM OF INDUSTRIAL HOMEWORK

For more than fifty years industrial homework has been a constant challenge to those interested in improving the conditions under which goods are made. Social workers, labor leaders, conscientious employers, health officers and government officials have unceasingly exerted their efforts to correct the abuses of the homework system and to eliminate its evels.(**) There is no lack of evidence to show what these abuses have been in the past and are in the present, (***) and why the situation calls for some measure of control. A large number of studies of industrial homework in different states and in different industries point definitely to the conclusion that wherever homework is done sweatshop conditions (long hours, low wages, child labor, etc.) are sure to be found.

Extent of Industrial Homework

The number of homeworkers in the United States is not known; no census on this subject has ever been taken.(****) The extent to which

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(*) Unless otherwise indicated the documentary matter cited in the following pages may be found in NRA files.

(**) Some contend that the evils are inherent in the system and that only by abolishing homework can we eliminate the evils; they insist that regulation of homework is impossible. Others argue that the problem is to set up sufficient safeguards through careful regulation to eliminate the possibility of abuse. "Rid the patient of his disease." they say, "but don't do it by killing him!" The issues involved in this controversy will be discussed later.

(***) On September 30, 1935, the NORWALK HOUR in Norwalk, Connecticut, contained the following front-page headline: "Grand Street Doll Manufacturer Fined; Paid Four Cents Per Hour, State Charges." Sub-heads told the following: "(Pay) As Low as 2 cents in Some Instances, Investigator Says---Defendant Says He'll Send Work Out of State if He Can't Have it Done in Norwalk Homes."

A New Jersey newspaper, THE MONMOUTH INDEPENDENT in Asbury Park, ran a story on homework in the October 18, 1935, issue under the headline: "Sweatshops Still Operate at Shore; Pay 2¢ Per Hour."

(****) "All statements of numbers employed at homework are rough guesses," says the Women's Bureau, U.S. Department of Labor

(Continued)

homework is used in the various states is --for the most part---a matter of conjecture, since the states themselves are not fully informed on this subject. (*) During the NRA experience, it was found that even in industries where the use of homework was extensive enough to create a competitive problem, there was a surprising (to say nothing of inconvenient) lack of information as to the extent of homework. Thus, whether the subject of industrial homework is viewed industry by industry, or State by State, there is little statistical data to show its real scope. That this is a serious handicap is a point that cannot be too much emphasized. Such material as is available, thanks mostly to the Federal and various State Labor Departments, is sporadic and fragmentary, and in nearly all instances is limited to a local area or to a single industry.

Definitions

Industrial homework means manufacture in the home. The materials worked upon are furnished by the employer and must be returned to him. The work may be distributed by an intermediary known as a "contractor", or it may be called for by the homeworker himself at the plant of the manufacturer or at the office of the contractor. This definition does not include "the home manufacture of articles independent of a contractor from the sale of which the individual receives the whole profit, nor the distribution of homework goods through a cooperative marketing system."(**)

(****) (Continued) (p.15, Bulletin No. 135). In the same place, however, it is estimated that "in at least 77,000 homes, scattered over 48 States, the home maker, assisted by members of her family, was employed with some regularity by industry in 1930." (Adding Puerto Rico would swell this figure considerably.) Elsewhere (p.10, "A Study of Industrial Homework in the Summer and Fall of 1934, "Preliminary Report to the NRA, U.S.Department of Labor) we find that in 1934 "in...1,473 families studied, 2,320 did homework, an average of 1.5 per family." Assuming that since 1930 the number of homes in which industrial homework is done had increased from 77,000 to 80,000 and multiplying this figure by 1.5, we would get only 120,000 homeworkers. On the other hand, "contractors have set the number of homeworkers in the United States at one million," says a New York State Dept. of Labor press release. (March 7, 1934. The basis of this estimate is not given.) Obviously, these figures prove nothing but the truth of the dictum at the head of this note.

(*) cf. Report of Committee on Industrial Homework, pp. 34-40, Proceedings of the 18th Annual Convention of the Governmental Labor Officials of the United States and Canada. Bulletin No. 479, Bureau of Labor Statistics. The Committee concluded (1926) that basic information on homework was "either lacking entirely or admittedly inadequate in many sections of the country, even in States where the existence of homework (at least in some industries) is known to the State authorities, and even in States where the existence of a homework problem has been recognized in the enactment of prohibitory or regulatory legislation." The situation with respect to information has not changed much since then.

(**) p.3, REPORT, Third Annual Meeting of the Labor Standards Conference, New York City, December 10, 1934, called by the National Consumers' League.

It is important to understand that the industrial homeworker is a wage-earner working for someone just like any other industrial employee, while those who make articles at home and sell them at roadside stands, for example, are-- in a very real sense -- private entrepreneurs. In the one instance, the individual is selling a service -- his labor; in the other, he is selling a finished product which he has made and on the sale of which he is realizing a profit. The significance of this distinction will become more apparent in the later discussions of homework and the National Industrial Recovery Act, and of the litigation which arose during the administration of the Executive Order on homework.

Earnings of Homeworkers

Though the industrial homeworker is as much an employee of industry as the factory or shop worker, the rates paid her (*) and her earnings are invariably lower. Hourly earnings of 2, 3 and 5 cents are not uncommon. In a study of homework by the U.S. Department of Labor in the summer and fall of 1934, of the 1044 homeworkers studied a majority were found to be earning less than 10 cents an hour. Only 4 per cent were earning between 25 cents and 30 cents per hour. The minimum rate per hour in codes was usually 30 cents, sometimes 35 cents. In the study referred to, weekly earnings are shown to have been correspondingly low. "It was rare," says the Department of Labor, "to find a single homeworker earning $5.00 a week in less than thirty hours. Half the families studied, received less than $3.00 a week from homework, 70 per cent received less than $5.00, and 87 per cent less than $10.00 a week. In only 5 per cent of the families were homework earnings as high as $15.00, and 22 families (2 per cent of about 1,370) earned as much as $20.00."(**)

There are many reasons for these low earnings. Most families engaging in homework do so because they are in desperate economic straits; they are willing to accept even the lowest rates for their labors. Coupled with this is the fact that homeworkers, most of whom are women, are isolated and scattered. Since they know little or nothing about rates paid in factories or shops, or about conditions in the industry, for which they are working, they have no basis upon which to judge what they ought to be paid. They seldom even know who the manufacturer is who is sending them work through a contractor. Consequently they are without anything that remotely resembles "bargaining power"; they are almost entirely at the mercy of the contractor who employs them, or of the manufacturer if they deal with him directly.

Competition among homeworkers themselves is another factor which tends to lower their rates and earnings. Sometimes a homeworker will

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(*) Since most homeworkers are women, the feminine pronoun is used here and throughout.

(**) p.17, "A Study of Industrial Homework in the Summer and Fall of 1934," a preliminary report of the National Recovery Administration, U.S. Department of Labor. See the whole report for further evidence of low wages and earnings received by homeworkers. Mimeographed report, No. 3268.

offer to do work for less than others in the hope that she will be given a larger quantity of work. It is not unusual for unscrupulous employers to "play" one worker against another or one group of homeworkers against another group, by promises of more work at lower rates or by threats of no work at all, if there is any hint that higher rates are desired. Other factors which operate to depress the earnings of homeworkers are the charges and deductions imposed by employers. Homeworkers are frequently called upon to pay transportation costs (street car fare, etc.) and excessive charges for allegedly imperfect or incorrect and spoiled work, lost yarn, etc.

Even if the rates paid for outside (home) work were the same as the rates paid for inside (factory) work and the work load were evenly distributed between the two, the homeworker still would be getting a lower real wage. The reason is that homeworkers carry the cost of much of the manufacturer's overhead and absorb nearly all the irregularities in production. Putting this thought in another way, the homework system imposes upon the worker not only the risks of enterprise, but also some of the operating costs which are ordinarily borne by the employer, such as rent, light, heat, etc.; sometimes the homeworkers carry the cost of machines, their upkeep and the materials needed to operate them.(*)

(*) A striking example may be found in the Leather-glove Industry. In a study made in July, 1933, the Women's Bureau, U. S. Department of Labor, found that of 280 homeworkers using machines (the New York State Bureau of Homework Inspection reported approximately 3,082 homeworkers listed by 133 glove firms in Fulton County in the Spring of 1933) only 30 had been provided with machines by their employers, while in the 17 firms covered by the study, the management furnished practically all the machines used in the factory. In 3 factories a few of the machines were owned by the workers. Only one firm charged inside workers for power, the charge being 50 cents a week. In another firm, inside workers were charged for needles, which were sold at cost. With these two exceptions, inside operators in the 17 factories were provided with power, repairs, oil and parts without charge. In contrast, homeworkers bore the cost of all these items. Of the 280 homeworkers, 221 used power-driven machines and had to pay the electric bill for power, estimated by the local power and light company to amount to about $1.10 a month of 49½ hours work a week. For shorter weekly hours the cost would be less, of course.) Homeworkers estimated the cost of oil to be about 10 cents a month; needles, about 30 cents a month. All but a few homeworkers provided these items. (See pp.9, 10, et seq., Bulletin No. 119, Women's Bureau, U. S. Department of Labor.)

Relief

The examples given above of [illegible] and homeworkers' earnings are sufficient to suggest that with [illegible] families are not able to support themselves by homework alone. What little income is derived from homework is supplementary to other income or else the family must be helped from the outside. This outside help may be given by relatives; usually it comes in the form of relief. Figures showing the number of homeworkers on relief, besides being difficult to get, are when obtained usually incorrect on the side of understatement. The reason for this is the fear of many families to disclose two sources of income (however small) lest they lose one or the other. "19 per cent of those doing homework previous to the NRA reported they had been on relief", says the U. S. Department of Labor.(*)

"In January, 1935, one-fourth of the Philadelphia homeworkers reported by manufacturers of infants' and children's wear were from families who were receiving relief, according to a check made with the relief agencies."(**) In the Lace Industry in Connecticut, "the inadequacy of wages paid (to homeworkers) is indicated by the fact that at times during the past year (1933) 50 per cent of the families on payroll were being aided by private or public relief agencies."(***)

Some contend that the dependence of large numbers of homeworkers upon relief means that the public by taxes or voluntary contributions to charitable agencies is subsidizing homework industries and paying a considerable portion of their wage bill. The question is asked, how can a family be kept off relief rolls on earnings of eight cents an hour or less?" That the answer is an emphatic"it can't", is sufficiently indicated by the following statement taken from a report by the U. S. Department of Labor: "In some cases--so low are the homework rates and earnings--contractors reported that families were unwilling to accept the work if they could obtain relief instead."(****)

(*) p.22, "A Study of Industrial Home Work In the Summer and Fall of 1934," a preliminary report to the National Recovery Administration, U. S. Department of Labor. According to the same report, NRA had little effect on the proportion of families receiving relief. But of this more later.

(**) p. 21, "Industrial Home Work in Pennsylvania under the National Recovery Administration,"Bureau of Women & Children, Pennsylvania Department of Labor and Industry, March,1935.

(***) p. 1 of Summary and Recommendations, "Homework in the Connecticut Lace Industry," Connecticut State Department of Labor, November, 1933.

(****) p.22, "A Study of Industrial Home Work in the Summer and Fall of 1934," a preliminary report to the National Recovery Administration, U. S. Department of Labor.

Homeworkers and Factory Workers

The manner in which homeworkers compete with one another and the effect of this competition upon rates paid to homeworkers have already been pointed out. Actually or potentially, directly or indirectly, homeworkers also compete with factory workers and this tends to lower the standards of the latter. "It is undoubtedly true," says a New York State Department of Labor report, "that there are . . . industries in which homework is substituted for factory work during a depression."(*) As a matter of fact, it is not at all unlikely that in some instances homework was originally used and developed as a means of evading the higher labor standards set up in factories and shops by law or union agreement.(**) It was probably just such a situation involving competition between inside workers and outside workers and the consequent lowering of factory standards that made the abolition of homework a major issue in several important strikes in 1910 and 1913,(***) and which has for many years influenced organized labor to oppose industrial homework. In an article on neckwear workers' unions "The Advance" states that "the employers used the homeworkers as a shield against the efforts of the union to organize the industry. Homework caused the loss of many strikes."(****) Granting that trade unions and strikes are legitimate instruments used by the working class for its betterment, we may accept the quoted statement as evidence that, in some instances at least, industrial homework stands as an obstacle to the improvement of working conditions for labor.

(*) p.134, "Industrial Homework During Business Depression," The Industrial Bulletin, Vol. II, No. 5, February, 1932, N. Y. State Department of Labor.

(**) In the Leather-Glove Industry, which uses a great deal of homework, particularly in Fulton County, N. Y., where a large part of the industry is concentrated, the union has taken steps to protect the factory wage standards by stipulating in the agreement that there shall be a 10 per cent wage differential between homeworkers and factory workers, with the homeworkers, of course, getting the lower rates. This is a departure from the general rule that organized labor favors the abolition of industrial homework. The problem of homework in this industry will be discussed more fully later.

(***) The cloak, suit and skirt makers in New York, and the men's garment workers in Boston, respectively. See p. 22, "Industrial Home Work in Massachusetts," Labor Bulletin No. 101, June, 1914, Massachusetts Bureau of Statistics. Oddly enough, this report concludes in another place (p.4) that "there is little competition between factory and homeworkers, so that the effect upon factory work is slight."

(****) "The Advance," a labor monthly published by the Amalgamated Clothing Workers of America, December, 1935, p.8.

Homework Labor Supply

The supply of labor for homework employment is practically unlimited. In order to complete a rush job, it is not unusual for all members of a family (including tiny children who are at all able to help) to be "drafted" into the work. Furthermore, the low rates paid in themselves frequently make it imperative that members of the family contribute their efforts so that more work will be done and the family earnings increased thereby. And it is to be noted that even the small amount paid to one homeworker is often actually the combined earnings of several homeworkers in the same family.

Homework Viewed from Standpoint of Management

Viewed from the standpoint of management, the homework system offers a supply of cheap labor and a means for the reduction of overhead to the employer, who is always interested in cutting down his cost of production. Most industries in which homework labor is employed are characterized by fluctuations due to seasonal factors or style changes. By the use of homeworkers, employers can call into service a labor reserve, for which no factory space need be provided, to take care of sudden changes in demand. Homeworkers can be dismissed and their work stopped at any time by the employer without his incurring any real loss. Thus, the burdens of irregular and cheap production can be passed on to the homeworkers in the form of uncertain employment and low earnings, while the manufacturer assumes for these workers none of the responsibilities connected with the hiring of regular employees.

There is a serious question whether the homework system of decentralized production is the most efficient or economical to management. This is evidenced by the large number of manufacturers who favor the abolition of homework in spite of what seem to be its advantages. Obviously, the "breaking up" of the manufacturing process by sending out work to be done in a number of widely scattered homes, makes impossible even a minimum degree of supervision and frequently involves annoying, if not costly, losses of time. The competitive result is most significant. "When an employer can hire workers for practically his own price," says Professor Commons, "he can be slack and inefficient in his methods, and yet, by reducing wages reduce his cost of production to the level of his more able competitor."(*) That such a situation does not encourage the development of superior ability in the field of either management or the technical arts is apparent. The words of John R. Commons, though offered as an argument in support of the minimum wage, apply with especial force to the homework problem. It is a well-known fact among factory and homework inspectors as well as manufacturers that the difference between the rates paid in one factory and those paid in another in the same industry is never as great as the difference in rates paid to homeworkers for the same type of work.(**) Thus, even where one manufacturer using homeworkers, the latter is likely to be in a position to undersell the manufacturer who does not employ homeworkers. It was this "unfair competition"

(*) p.171, "Principles of Labor Legislation" by John R. Commons and J. B. Andrews, Revised edition, 1927.

(**) Known to vary as much as 30 per cent.

more than anything else that led many manufacturers to agree upon the prohibition of homework in their codes when the NRA offered them this opportunity.

Hours of Homeworkers

While industrial homework is an intermittent occupation and the homeworker follows no regular schedule of hours as does the factory employee, a large proportion of homeworkers work 40 hours a week or more. Many have argued that homework is done only in "leisure time". That this is true in a number of instances cannot be denied, but if it is stated as applicable to all homework the facts belie the assertion. Of 1,069 homeworkers studied by the Department of Labor, nearly half worked 35 hours a week or more; approximately one-fourth worked 50 hours a week or longer; more than 254 worked 60 hours a week or more; and 25 worked 80 hours a week or over.(*) Of 322 homeworkers who reported to the New York State Department of Labor,(**) the approximate number of hours they were engaged in industrial homework, 22 per cent said they worked between 7 and 9 hours a day; and 11 per cent that they worked 9 hours or more a day; 69 per cent worked at night. For women, industrial homework at night means in nearly all cases, a very long and hard day because the daytime is filled with the usual household chores and the exacting demands on time and energy involved in looking after small children. Cases of homeworkers working late into the night and getting up early in the morning to finish a rush job are quite common.

It is clear that the pressure of unemployment, low wages, etc., operate to induce the homeworker to keep at her industrial work for excessively long periods of time. However, the impossibility of policing any regulation imposing restrictions on the hours of homeworkers is too obvious to require more than mention. Such policing would require a vast army of inspectors, the cost of which would be prohibitive.

Child Labor

Probably no aspect of the problem of industrial homework has received so much public attention or aroused so much public indignation and resentment as child labor.(***) It is in this sector of the homework system that

(*) pp. 12, 14, et seq., "A Study Of Industrial Home Work in the Summer and Fall of 1934," a preliminary report to the National Recovery Administration, U. S. Department of Labor.

(**) p. 26, Special Bulletin No. 158, "Some Social and Economic Aspects of Homework," February, 1929, N. Y. State Department of Labor.

(***) See particularly "The American Child," Vol. V, No. 7, July, 1923; also the following: "Industrial Home Work of Children," Bureau Publication No. 100, 1923, Children's Bureau, U. S. Department of Labor; "Industrial Home Work and Child Labor," Special Bulletin No. 11, 1926, Pennsylvania Department of Labor and Industry; "Child Labor in New Jersey", Publication No. 185, 1928, Children's Bureau, U. S. Department of Labor.

the greatest abuses have been committed. Homeworkers are sometimes required to sign a paper in which they promise not to permit children under sixteen to help, but the temptation is too great and violation of the pledge is too easy to commit without interference, for it to be effective. It is hard to imagine an inspector stopping a mother driven by economic necessity from working her children even though the work should go on until two or three in the morning or the children be waked up at five or six so as to put in several hours of work before school. Much (if not most) of the work done in homes is unskilled and thus lends itself easily to the employment of children in its performance. Even where the process is of a skilled type, there is always some part that can be done by children, such as wrapping or unwrapping bundles. That homework takes its toll upon children who are thus forced to assist in the family labors when they should be playing, studying or resting, is obvious from the many stories of children falling asleep in school because of late hours at work the night before.(*) In recent years the number of children engaged in homework has been declining steadily. This has been due to State regulations and NRA codes. However, those most familiar with the administration of State laws regarding child labor and homework have so repeatedly discovered violations that they despair of eliminating child labor in homes until the homework system itself is abolished. As long as homework is permitted, they say, child labor in homes will continue.

Sanitation and Health

No discussion of the problem of industrial homework would be complete without some consideration of the serious questions of sanitation and health. In 1902 Jacob Riis wrote,

> "The health officers are on constant and sharp lookout for hidden fever-nests. Considering that half of the ready-made clothes that are sold in the big stores, if not a good deal more than half, are made in these tenement rooms; this is not excessive caution. It has happened more than once that a child recovering from small-pox, and in the most contagious stage of the disease, has been found crawling among heaps of half-finished clothing that the next day would be offered for sale on the counter of a Broadway store; or that a typhus fever patient has been discovered in a room whence perhaps a hundred coats had been sent home that week, each one with the wearer's death-warrant, unseen and unsuspected, basted in the lining."(**)

(*) See p. 4, "Investigation of Homework in the Artificial Flower & Feather Industry," National Child Labor Committee, March, 1934. The whole report will repay reading. Also p.2, "Homework in the Connecticut Lace Industry", Connecticut Department of Labor, November, 1933.

(**) "How the Other Half Lives," p. 109, by Jacob A. Riis, Charles Scribner's Sons, New York, 1902.

The first homework law was entitled "An Act to Improve Public Health" (*) and was the result of the efforts of the Cigar Makers' Union to arouse public interest in the health menace of homework. (**) "During this early period of legislation," says a New York State Department of Labor report, (***) "there was great agitation concerning the dangers of tenement house manufacture. Jacob Riis was arousing popular interest in 'the other half' and describing vividly the conditions in tenement working and living rooms. Newspapers were making independent investigations and warning the public of the 'cigars of death' . . ." The New York Department of Labor referring to the same time says:

> "In the reports of this period many pages were devoted to detailed descriptions of the overcrowding and the unsanitary conditions in the tenement workrooms, described as 'the seed beds of contagion, the sinks of pollution.' It was pointed out that 'to turn the dark, foul crowded rooms of the poor into a workshop or factory is to spread disease by steam power.' The ingestigators reported the prevalence of 'consumption' and other communicable diseases among homeworkers and call attention not only to unsanitary rooms from which disease might be spread to consumers but to the dangers, for the workers themselves, of working long hours and eating poorly prepared food food." (****)

The final report of the Industrial Commission to 57th Congress in 1902 stated that "while neither the Federal Government nor any State Government has undertaken to abolish tenement-house work where the goods are sold to private purchasers, yet, where the Federal Government itself is a purchaser of clothing, as for the use of the Army and Navy, it has endeavored to protect its public servants by a prohibition of tenement-house work on all clothing manufactured by contractors. This prohibition

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(*) New York Laws of 1884, Chap. 272, p. 335. This was a revision of a similar law passed in the preceding year. (Cf. Laws of 1883, Chap. 93, p. 79.)

(**) Economic motives were not lacking of course. The law was declared unconstitutional by the highest court of the State. (In re Jacobs, 98 New York Reports 98.) "What possible relation can cigarmaking in any building have to the health of the general public?", asked the Court, though consumptives were known to lick cigarette tips in the process of home manufacture. (Cf. p. 233, et seq., "Some Ethical Gains Through Legislation", by Florence Kelley)

(***) p. 189, "Changing Conditions in Homework," The Industrial Bulletin, Vol. XI, No. 6, March, 1932.

(****) Ibid.

in the case of the Army was brought about through revelations regarding the conveyance of measles and similar diseases during the Spanish-American War." (*) This prohibition of homework, as far as Federal Government purchases are concerned, is still in effect. The standard contract form in use during 1935 requires bidders to give the name and location of the factories "where they propose to manufacture the garments" and forbids "the performance of any work of any description in the manufacture of any garment bid upon in any other premises than those stated in the bid. . . . ." (**)

In 1913, the factory investigating committee of New York reported that "it seems evident that homework is a danger to the health of the community and that the effort to maintain proper sanitary conditions is so herculean a task as to be wholly illusory as a safeguard of public health." (***) However, it appears that since that time there have been changes in the situation. A number of recent homework studies report that conditions have improved, that the majority of homes visited were clean and fairly well-kept. (****) Nevertheless, some filthy homes

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(*) Final Report of the Industrial Commission to the 57th Congress, 1902, Vol. 19, pp. 745-8, "Labor-The Sweating Systems."

(**) See Sheet No. 5 of Standard Government Form of Contract, No. 36, War Department, Quartermaster's office.

(***) p. 103, Vol. I, Report of the Factory Investigating Commission, 1913.

(****) Report on Manufacturing in Tenements submitted to the Commission to Examine the Laws Relating to Child Welfare, by Bernard L. Shientag, 1924, says, "The sanitary conditions in the homes in which the work was done were on the whole reported to be good. In this respect, there undoubtedly is an improvement over conditions that prevailed some years ago. "Page 11 of Special Bulletin No. 158, N. Y. State Department of Labor, February, 1929, "Some Social and Economic Aspects of Homework," states, Standards of housekeeping in the 526 workers' homes for which there was a report were usually good, although cleanliness was often obtained under difficulties . . .Comparatively few homes (16%) were untidy or dirty; some of these were only untidy and less than 10 were reported as very dirty." Page 190, The Industrial Bulletin, Vol. XI, No. 6, March, 1932, N. Y. State Department of Labor, states that "Twenty percent of the 16,000 inspection (homework) reports for the first six months of 1931 were chosen at random and analyzed according to a sanitary rating schedule which had been adopted by the inspectors the previous year. On the whole, sanitary conditions were found to be good. . . ." A striking exception to the rule of improved sanitary conditions in homes where industrial homework is done is the following (from pp. 7 and 8 of "Investigation of Homework in the Artificial Flower and Feather Industry" by the National Child Labor Committee, March, 1934): Out of 606 homes investigated, only 79 were rated "good"; 155 - "fair"; 223 - "poor"; 149 - "bad". Thus 372 were rated as less than "fair". Of course, the standards of sanitation upon which the ratings were made would have much to do with the results.

and homes infested with contagious diseases are always found and few families, if any, doing homework have enough space to isolate the homework materials from the sick-room.

It cannot be denied that there is a serious lack of information on this phase of the homework problem. Departments of labor and public health have made no studies that would shed any of the needed light on this important question. Though there is no concrete evidence available that contagious diseases have been spread by articles made or worked on in homes, common sense warns us of great potential hazards. The consumer (particularly if there are children in his family) need only ask himself, "Do I want to buy an article made by a consumptive or a syphilitic, or an article that has been worked on where measles, whooping cough, influenza, tuberculosis, gonorrhea, etc., have flourished?" To this question there can be but one answer.

Conclusions.

The attitudes toward industrial homework have been summarized as follows:

> "Because of unregulated hours of work, low wages, the difficulty of restricting child labor, industrial homework ranks in the minds of many as one of the most insidious of industrial hazards. On the other hand, large groups of relief workers and those interested in the welfare of the Handicapped, consider the benefits of the added income made possible by work performed in the home important and are of the opinion that from a psychological point of view as well, many who are physically or mentally unfit to cope with the modern factory system are much better off doing some work, however underpaid, than sitting at home in idleness. Both of these points of view should receive thoughtful consideration in any further attempt to control or limit industrial homework. . . ."(*)

There are few who will not agree that the system of industrial homework has been characterized by a number of evils about which something should be done. But exactly what should be done is the point at which controversy begins. As previously stated, a number of people who have had experience with attempts to regulate homework under State laws have come to the conclusion that it is impossible to regulate it. The report of the Committee on Industrial Home Work at the National Conference for Labor Legislation held in Washington, D. C., 1934, stated that "the Committee on Industrial Home Work has concluded that the abolition of

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(*) P. 6, "Homework in the Men's Clothing Industry in New York and Rochester", Special Bulletin No. 147, N. Y. State Department of Labor, August, 1926.

home work is the only way to control its growing evils." (*) The reasons for such a conclusion are too numerous to be dealt with at this point, they will be discussed in the last chapter. It is sufficient to say that those who have had the most experience with efforts to regulate homework are practically united in their public declarations that homework should be abolished. On the other hand, there are a number of persons who - some from selfish motives, and some from genuinely or allegedly humanitarian motives oppose any program looking towards the ultimate extinction of the homework system, on the ground that such a step would deprive thousands of people of their sole source of income. (**) They urge that through a more stringent regulation and "proper policing" rates to homeworkers should be increased, hours of work controlled by limiting the quantity of work distributed, etc. They argue in terms of "the inalienable right to work" and "the dignity of honest work even at low rates" as contrasted with "the shame of being on the Relief Rolls". They say that it is impossible to do away with homework; that homeworkers cannot (and do not want to) leave their homes to go into factories, etc. This view, it would appear from the evidence, is usually put forth by those least informed on the difficulties of regulation.

(*) P. 73, Proceedings of the National Conference for Labor Legislation, Washington, D. C., February, 1934, Bureau of Labor Statistics, Bulletin No. 583, U. S. Department of Labor. All the members of the Committee (except the Chairman, who was from the U. S. Department of Labor) were from States that had regulatory legislation of one type or another on homework.

(**) To this point the other side replies that in view of the pitifully low earnings of homeworkers the prohibition of homework would not be taking much from them and that Mothers' Assistance Funds are provided in many States for the purpose of freeing women from the need to do other work, in order that they may give their full energies and attention to the care of their children. (See "A Tabular Summary of State Laws Relating to Public Aid to Children in Their Own Homes", U. S. Department of Labor, Children's Bureau, Chart No. 3.)

B. HOMEWORK AND THE NATIONAL INDUSTRIAL RECOVERY ACT

It has been said that "in the diverse hopes and interests which it embodied, the NIRA came near to being 'all things to all men'". (*) To labor there was the promise of improved working conditions; for industry there was the opportunity to eliminate "unfair competition". "To social reformers and humanitarians it seemed a way of obtaining at one stroke national legislation on ... subjects theretofore beyond the reach of the federal government."(**) However, there is no statement in the NIRA which suggests that its authors or sponsors were at all concerned with the problem of industrial homework, assuming that they were aware of its existence. Their attention was focused on matters of broader significance to labor, industry and the public.

Nevertheless, certain objectives of the Act, as they were stated in the "Declaration of Policy" in section 1 of the Act should be kept in mind. They were (1) to eliminate unfair competitive practices; (2) to increase the consumption of agricultural and industrial products by increasing purchasing power; (3) to reduce and relieve unemployment; and (4) to improve standards of labor.

These purposes made it inevitable that industrial, labor and administration leaders should have recognized the importance of dealing with the homework problem as a part of the administration of the Act. "Fair competition" for the manufacturer means in part the standardization of the price of labor. The minimum wage and maximum hour provisions in codes sought to establish the basic determinants of the labor price. Obviously, in order to be effective these standards would have to apply to all workers engaged by the manufacturer, whether employed in the factory or in homes. Products made in homes entered into competition with those made in factories; actually or potentially homework labor competed with factory labor; and, finally, homeworkers competed among themselves. To exclude homeworkers from the benefits of the labor standards set by the codes would mean the gradual undermining of those standards.

Briefly summarized, these were the issues which the NRA had to face in its efforts to deal with the homework problem: Manufacturers who wanted a homework prohibition in their codes argued that industrial homework was a source of "unfair competition" and should be eliminated because the object of codes was to bring about "fair competition." Organized labor contended that industrial homework had the effect of beating down labor standards and that abolition of homework would result in an increase of factory employment (assuming that the demand for the product did not decrease or disappear as a result of price increases) at higher wage rates, which would "increase purchasing power." The opposition argued that the elimination of homework would increase unemployment rather than "reduce and relieve" it, and that the true solution of the problem lay in improving, as far as the industry could bear, the pitifully low rates paid to homeworkers and "supervising" the conditions under which the work was done. All of this, of course, was based upon the assumption that effective regulation of industrial homework was possible.

(*) Lyon, Leverett S. and others, "The National Recovery Administration" The Brookings Institution, 1935, p. 751.

(**) p. 751. ibid.

As code experience with homework developed, the second paragraph of Section 5 of the Act, reading in part as follows: "Nothing in this Act and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof", was cited against inclusion of a prohibition of homework in a code, the argument was that a provision in a code prohibiting homework would not stand up in court in the face of this section.(*) Though no Federal court was ever called upon to decide this question (**), it may not be out of place to inquire into the legislative history of the clause and the intent of Congress in enacting it.

The Congressional Record discloses that this paragraph of Section 5 did not appear in the Act as first submitted by the Committee on Finance of the Senate. It was put in upon the insistence of the late Senator Huey P. Long, who feared the excessively wide coverage of the original bill, which he considered applied to every person engaged in industry, including as a matter of course individuals who had no employees working for them. (***)

After some study, the Legal Research Division of the NRA, concluded that "Congress only intended to exempt from the provisions of the National Industrial Recovery Act those individuals engaged in industry who perform their own work for themselves and who do not employ others to assist them. Congress did not intend for this paragraph 2 of Section 5 to apply to employees engaged in industry." (****) If this construction is valid, the clause was intended merely to safeguard the right of an individual who employs no assistance, to pursue his vocation and sell the products of his labor.

This last point is significant, In the definition of industrial homework given above (*****), it was pointed out that the material upon which "industrial homework" is done, is not owned by the homeworkers themselves, but is supplied by the employer. The employers took advantage of this and for the purpose of evading code provisions prohibiting homework, sold the materials to the homeworkers and then bought the article back when finished by the homeworker. Of course, the whole transaction was fictitious, its purpose being to place the homeworker in the category of those selling products of their own labor and thus specifically exempted by the Act. In no sense can the industrial homeworker be considered as selling the products of his labor.

(*) The implication was that code provisions prohibiting homework were inconsistent with the clause referred to. See testimony of Dr. E. E. Pratt, p. 89, Vol. I, Part 1, Hearing on Proposed Amendment to the Pleating, Stitching, Bonnaz and Hand Embroidery Code, New York City, January 31, 1935.

(**) A similar clause in a State law figured in a New York case that was decided by the State courts. See Chap. III.

(***) Congressional Record,

(****) p. 8, "The Effect of the Second Paragraph of Section 5 of the NIRA on Code Provisions Prohibiting Industrial Homework", memorandum of Legal Research Division, No. 983, September 27,1935.

(*****) p. 6. supra.

Everyone who has traveled by automobile has been offered for sale on the side of the road, hand-woven baskets and floor mats, rustic tables, hand-made whiskbrooms, fireplace brooms, etc. It was the sale of articles such as these by the persons who made them that the clause in question was intended to exclude from the operation of the Act and from codes approved under it. Other than this, the Act contained no provisions which could be construed as having direct relation to the home-work problem.

C. DEVELOPMENT OF NRA HOMEWORK POLICY

Apart from listing general objectives, under which as shown above a program of either elimination or regulation of homework could logically be fitted, the Act made no reference to the problem of industrial homework. NRA policy on this subject was the product of conflicting pressures and experiences. Within NRA there was a wide diversity of attitude toward homework. Generally speaking, there were two main groups: those who favored the complete prohibition of homework and believed that elimination of homework was not only possible but desirable; and those who favored regulation, on the theory that industries differ so widely that each should be left to work out its own homework problem.

Position of the Advisory Boards

Among the three Advisory Boards - Labor, Consumers', and Industrial - there was a unanimity of opinion that industrial homework was a "destructive practice" and that it should be eliminated. The Consumers' Board arrived at this point of view much later than the Labor Advisory Board, for the latter - as far as labor questions were concerned - was from its very inception advocated policies that had become traditional in labor circles. In August 1918, the Executive Council of the American Federation of Labor issued a declaration to the effect that "homework . . . is uneconomic, demoralizing to the men, women and children engaged in it, makes impossible thorough application or enforcement of sanitary conditions of work, reasonable regulation of the hours of labor or laws limiting or abolishing child labor; that the entire tendency of homework is calculated to frustrate the humanitarian work of the labor movement for the protection and promotion of the rights and interests of the working people, and particularly detrimental to womanhood and childhood. The Executive Council, therefore, endorses and will aid to the fullest of its ability the abolition of homework. . ."(*)

Private as well as public organizations interested in social problems have been unanimous in condemning industrial homework. The National Consumers' League since its beginning in 1899, has waged an incessant campaign against the transformation of the homes of working people into "adjuncts of the factories."(**) The National Child Labor Committee in 1918 stated its policy as being in favor of the "complete and universal prohibition of home work."(***)

(*) Report, Vol. , p. .

(**) See p. 5, The National Consumers' League, First Quarter Century, 1899-1924, a pamphlet.

(***) "Child Work in the Home," National Child Labor Committee, Pamphlet No. 232, 1918.

The Women's Bureau of the U. S. Department of Labor has declared itself for the abolition of homework.(*)

Generally speaking, the position taken by the Labor Advisory Board and the members of its staff followed these points of view. The Board did recognize, however, that there were exceptions to the rule and gave its approval to regulatory provisions in a few codes for industries with peculiar homework problems. It is not unlikely that in some instances the Labor Advisory Board's recession from its general policy favoring complete prohibition of homework was in order to gain what it considered a larger objective on some other front. On the other hand, a few codes with regulatory rather than prohibitory provisions were approved over the protests of the Board.

Among the guides available to the Consumers' Advisory Board in framing its homework policy the attitude of the National Consumers' League toward this subject has already been noted. In December, 1933, while a stream of proposed codes was still being considered by NRA, this organization drafted and circulated among NRA officials a list of "Proposed Principles for Labor Provisions of NRA Codes." On the subject of homework, the League declared that "the letting out of work to be done in homes of workers has led to uncontrollable labor exploitation. The codes of industries in which homework has been practiced should definitely prohibit it." In this connection it should be borne in mind that the National Consumers' League is an organization primarily devoted to awakening "Consumers' interest in their responsibility for conditions under which goods are made and distributed" and to mobilizing "public opinion in behalf of an enlightened standard for workers."(**)

Usually where a labor question was involved the Consumers' Advisory Board was willing to leave the matter to the Labor Advisory Board and abide by its decision. However, in the absence of a clearly stated or generally understood policy on industrial homework, it was natural that occasionally a Consumers adviser should exercise an independent judgment when a homework problem arose; and this judgment was not always in line with the general NRA sentiment against homework. As a result, many conflicting opinions were rendered by the staff of the Consumers' Advisory Board. Finally, to settle the issue and to eliminate the possibility of any future misunderstanding, the Consumers' Advisory Board declared its position with respect to homework in the following resolution adopted by the Board at a meeting on October 25, 1934:

> "WHEREAS, the evils of industrial employment of wage workers in the home, - child labor, long hours, low wages, unsanitary working conditions, the lowering of labor standards in competing factories - are well recognized; and

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(*) See p. 17, "Home Work in Bridgeport, Conn.," Bulletin No. 9, Women's Bureau, U. S. Department of Labor, December, 1919.

(**) See Statement of Principle, National Consumers' League Bulletin, Vol. I, No. 1, October, 1934.

"WHEREAS, years of effort to regulate and control the system in the leading industrial states have demonstrated the impossibility of preventing the evils of the system by regulation; and

"WHEREAS, the consumer wants the goods he buys to be made under good working conditions and at a living wage; and

"WHEREAS, the elimination of unfair competitive practices by mutual agreement of employers under the NRA offers an opportunity to do away with this destructive practice; therefore

"BE IT RESOLVED, that the Consumers' Advisory Board believes that industrial home work for wages should be eliminated under the NRA codes and favors code provisions to that end."

The Industrial Advisory Board seems to have been more directly influenced by the National Consumers' League proposals on labor provisions, for shortly after the League's proposals were issued they were discussed at a meeting of the Board and in January, 1934 the following statement of policy was enunciated by the Board and distributed to members of its staff:(*) "Homework should be prohibited with very rare exceptions such as in some cases of homework in rural localities and the making of certain samples not for sale." Apparently, no thought had been given to the effect of exempting rural areas from homework restrictions. In New York State a flow of homework to rural districts resulted from the passage of State homework law which exempted "any village or town" or " a city having a population of less than 200,000 persons,"(**) There is no indication whether the Industrial Advisory Board would have approved of such a development.

It is clear from the preceding observations that of the three advisory boards the Labor Board was the only one that had a single consistent attitude toward industrial homework from the very beginning of the code-making period. The others (Industrial and Consumers') did not declare their points of view until comparatively late (January and October, 1934, respectively).

Early Attitude of Some Industries

The fact that a number of industries quickly took a stand against.

(*) Copies were circulated within the NRA and a draft was sent to the Administrator.

(**) See definition No. 4, Section 350, Article 13 of the Labor Law of 1934, State of New York.

industrial homework and prohibited it in their codes undoubtedly influenced the labor development of the general NRA homework policy. The first three coded industries to prohibit homework (August, 1933) were Coat and Suit, Corset and Brassiere, and Men's Clothing.(*) In the Coat and Suit Industry, homework had been abolished by agreement between the union and the manufacturers' organizations a number of years before the advent of the NRA.(**) However, it was agreed to incorporate a provision prohibiting homework into the code as a statement of principle and as an indication that the achievement of former years would be maintained under the code.

In the Men's Clothing Industry(***) both labor and the several factions of management agreed unanimously during code negotiations to abolish homework. The only point of discussion that arose was how long a period of adjustment should be allowed for the completion of the prohibition of homework. Three months were finally set. In view of the fact that the Men's Clothing Industry employed approximately 7,310 homeworkers(****) in the Rochester, Philadelphia

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(*) For various reasons - chiefly the lack of adequate information - the Coat and Suit Industry and the Corset and Brassiere Industry are not included in the study of industry experience with code homework provisions presented in Chapter II.

(**) In New York City since 1910 and Boston since 1913. (See pp. 25 and 26, Women's Bureau Bulletin No. 9, U. S. Department of Labor) A letter from the Executive Director of the Industrial Council of the Cloak, Suit and Skirt Manufacturers, Inc., to the Division of Review, NRA, August 26, 1935, stated that: "Homework in the Coat and Suit Industry was abolished many years ago . . . . To my knowledge (having been in the industry for upwards of 37 years), I feel certain that the ban on homework has been ridigly lived up to."

(***) Long before the NRA attempts were made to abolish homework in various centers of this industry. In 1920 homework was prohibited in the Rochester market by agreement between the manufacturers and the union. In the Chicago market the Board of Arbitration ruled (1920) that "there shall be no introduction of this practice (homework) where it does not already exist, and no further extension of it where it does exist; and further, that within a reasonable time that practice must be brought to an end." (See pp. 215, 230, in "The Amalgamated Clothing Workers of America" by Charles E. Zaretz.) That these efforts were not entirely successful over a long period of time is evidenced by the facts given above regarding the extent of homework in the Men's Clothing Industry before NRA.

(****) "Memorandum Regarding Homework", prepared by the Men's Clothing Industry Code Authority, April 30, 1935, see p. 14, NRA Evidence Study Series, No. 34, The Men's Clothing Industry.

and New York markets prior to the code era was listed as the "second largest homework industry" in Pennsylvania(*) (1935), the prohibition of homework in that industry was particularly significant.

From the results of this effort it may be possible to judge whether or not complete prohibition of homework is possible in industries which have depended upon homework to any considerable extent. This point will be analyzed later.

There is little information in the records of the hearings on the Corset and Brassiere Code relative to the extent of homework in that industry. However, the manufacturers in the industry recognized that since their products are worn close to the body clean and sanitary conditions of manufacture were of the utmost importance, and that unless homework was completely eliminated there could be no assurance that proper standards of sanitation and cleanliness would be maintained. For this reason a very explicit homework provision was put into the Corset and Brassiere Code, which served as a model for other industries, at least as to ideas, if not as to actual content. The provision was as follows:

(1) The minimum standard (of sanitation) shall be in compliance with the standards set in that part of the factory law of the State of New York, which is applicable to plants in this industry.

(2) No person shall employ workers except in his own plant or plants. No homework shall be allowed.

(3) No person shall knowingly purchase materials to be used in his products which have not been made in a clean and sanitary factory, and it shall be stipulated on each purchase order that: "The material covered by this order must be manufactured in a clean and sanitary factory

(4) No person shall purchase garments for resale which are manufactured wholly or in part under conditions which do not conform with the provisions of this code."(**)

The last paragraph of the provision required the manufacturers to insert in their invoices the statement: "This merchandise was manufactured in compliance with the Code of Fair Competition of the Corset

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(*) P. 6, "Industrial Home Work in Pennsylvania under the NRA", Bureau of Women and Children, Pennsylvania Department of Labor and Industry March 1935.

(**) Article 5, Sections (a), (b), (c), and (d).

and Brassiere Industry". It is interesting to note that the third paragraph given above was in effect a boycott against products made in homes.

While the actual effect of these early prohibitions of homework in important apparel industries upon the development of homework policy in the NRA cannot of course be accurately gauged, it can hardly be doubted that they served as precedents.

First NRA Memorandum on Homework

Though the serious nature of homework problem was early recognized in some quarters of the NRA, no official mention of it appears until February 17, 1934, when an "Office Memorandum" on the subject was issued by the Executive Office to all NRA officials and staff employees. By that time more than fifty codes with homework provisions(*) has been approved. "It has been found that provisions in codes summarily eliminating homework have caused severe hardship among those employed in such work", the memorandum stated. "On the other hand, it is recognized that homework offers a vicious type of unfair competition in many industries." The conclusion intended to be drawn from these statements was not clear. The idea would seem to be conveyed that the prohibition of homework had not proved a satisfactory policy, and that since homework was " a vicious type of unfair competition" something - other than prohibition - should be done about it. As the only other alternative, aside from complete noninterference, is regulation, these sentences might be interpreted as a dictum favoring the "regulation" of homework rather than its prohibition- though perhaps this analysis finds a meaning where none was intended. It certainly was not clear whether codes not "summarily eliminating" homework (i.e., codes providing for a period of adjustment of three months or six months before prohibition) would be acceptable to the Administration.

The memorandum provided that a preliminary study of the question be made, by an individual who had already started to collect homework data at the request of a Deputy Administrator in charge of the garment codes (where the homework problem was particularly troublesome). Further, the Memorandum recommended that "pending completion of this study and solution of the problem . . . homework provisions be very carefully weighed and stayed where hardship may result."Nowhere is it made clear exactly what amount of "hardship" should be decisive, or whether "hardship" to workers, employers, and consumers was to be of equal weight.

This statement of policy, raising as it did more questions than it answered, resulted in the staying of homework provisions in several

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(*) Of which 44 prohibited homework

codes that were in the process of being approved(*) which may indicate that the Office Memorandum was intended to state the prohibitions of homework was not a satisfactory policy. Clearly, if this memorandum was supposed to be an announcment of "policy", it by no means reflected the point of view of the Labor Advisory Board - which was most directly concerned - nor did it take account of the already-declared position of the Industrial Advisory Board; and it completely ignored the developing attitude of the Consumers' Advisory Board, which served as background for the resolution quoted above.(**) At the time the Office Memorandum was issued there was no effectively functioning policy-making agency in the NRA. From these facts one can only conclude that the memorandum was inspired by an individual who was apparently none too well informed on the subject of industrial homework, who had not even taken the trouble to determine from the various advisory boards their general attitudes toward homework, and who had not surveyed the experience of industries with codes prohibiting homework.

NRA Homework Committee

In a memorandum to the Administrator dated March 3, 1934, the Secretary of Labor (apparently unaware that a "preliminary" study was under way) urged that extended consideration be given to the subject of homework under codes. "If any study of home work under the codes is to be made in the NRA", she wrote, "it should be on a broad basis. I shall be glad to put the facilities of the Department of Labor at your disposal in the making of such a study." That there was need for a study of wider range than that already begun(***) is evident from these facts: At the end of March, 1934, 88 codes containing homework provisions had been approved. Of these, 73

(*) See orders of approval, Fiber and Metal Work Clothing Button Manufacturing Industry Code, Flag Manufacturing Industry Code, and Umbrella and Frame and Umbrella Hardware Manufacturing Industry Code. The Code Authority set up under the last-named code registered its objection to the suspension of the homework provision. The staying of the homework prohibitions in these codes was more important for the principle than for the number of homeworkers involved. Vol. , Codes of Fair Competition, p. .

(**) P. 22.

(***) It was limited to apparel codes and the homework problem was bobbing up in industries making furniture, tags, lampshades, buttons, bedspreads, etc.

prohibited homework, 11 aimed at its reduction by various devices(*), two made provision for some form of control(**), and two provided that studies should be made (***). The lack of uniformity in code provisions shown by this fragmentary analysis (which will be fully supplemented later) had become increasingly a source of confusion in the administration of these provisions. The difficulty of properly classifying firms under hastily-drawn definitions of industries added to the perplexity and frequently produced absurd situations. Thus, a manufacturer under one code would be allowed to send out work to be done in homes while a competitor whose product fell under another code was forbidden to send out the same kind of work. Often neighbor homeworkers were puzzled because one family could get homework to do while the other family next door could not, simply because their employers were under different codes.

Realizing that the problem of homework under codes was much larger than had been originally supposed, and that it required more attention than could be given it by one person who during most of his time was engaged in administrative work, the Director of Research and Planning suggested to the Administrator that a special committee be appointed to consider the subject.(****) In March, 1934, an Order (*****) was issued constituting a committee "to study the elimination of homework under the codes of fair competition". The committee was instructed to "investigate and.... make recommendations to the Administrator....concerning regulation of homework or modifications of existing provisions...." Commenting upon the establishment of this committee, the U. S. Department of

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(*) By gradually eliminating homework as in the Leather and Woolen Knit Glove Code, or by prohibiting homework on machines (sewing or knitting), as in the Infants' and Children's Wear Code, in the Knitted Outerwear and the Cotton Garment Code, or by prohibiting all homework except that done on samples and display models "not intended for sale" as in the Art Needlework Code, etc.

(**) The Brush Manufacturing Code prohibited homework "except by specific permission of the Administrator" in individual cases; the Fishing Tackle Code guaranteed minimum rates for homework, etc.

(***) Within five months in the Fresh Water Pearl Button Code, and within sixty days in the Furniture Code.

(****) The activities of the Homework Committee will be discussed later.

(*****) Office Order No. 72, March 17, 1934.

Labor stated that "...if (NRA) progress in controlling homework was to continue, if in fact the gains already made were to be held the homework policy of the various codes required unification and simplification... To deal with this confused and perplexing situation a special Home Work Committee was created in the NRA...(*)

Executive Order on Homework

While it was expected that where homework was abolished those who had formerly been homeworkers would generally be absorbed into factories in the same industry or in another, there was some apprehension about the handicapped and the infirm, and the emergence of evidence that hardship had been worked upon a few invalid of aged individuals who were unable to adjust themselves to factory routine, led the Committee to sponsor an Executive Order (**) which had the effect of relaxing in favor of this class all code provisions prohibiting homework. The Order which applied to those codes "heretofore or hereafter approved, which provide for the abolition of homework", exempted from such prohibitions two general classes of persons -- (a) the physically incapacitated, and (b) those whose services at home were required in attendance upon "a person who is bedridden or an invalid". The exemption was not automatic; even where a homeworker came properly within either of the exempted classes, before she could continue with her homework it was necessary for her to obtain a permit or certificate. The Executive Order authorized the U. S. Department of Labor to appoint certificating agencies in every State and to issue the necessary instructions for passing on applications for certificates.

The Executive Order had the effect of crystallizing and clarifying NRA homework policy. It seemed that homework was to be generally prohibited, with certain exceptions set forth in the Executive Order. Though it was not legally necessary (***), several codes with homework prohibitions were amended to include the terms of the Executive Order.

From the end of the month of March to August, 1934, the number of codes with homework provisions increased from 88 to 110. Of this total 92 completely prohibited homework. Six of the 92 incorporated the language of the Executive Order.

During August a memorandum entitled "Tentative Formulation of Labor Policy" (****) appeared over the name of the Deputy Assistant Administrator for Employment Policy. It was described as "that policy (which) seems to have emerged in the operation of Code making" and it dealt with Hours, Wages and General Labor Provisions. Under the last heading, the memorandum said: "As experience accumulated, certain general labor provisions

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(*) p. 5, "A study of Industrial Homework in the Summer and Fall of 1934", a Preliminary Report to the NRA, U.S. Department of Labor.

(**) No. 6711-A, issued on May 15, 1934, Vol. X, Codes of Fair Competition, p. 950. The text of this Order is reproduced on p., Chap.III, where its subject matter is more fully discussed.

(***) Because the Order would apply regardless - unless the prohibition were lifted entirely by a code amendment. But this never happened.

(****) Mimeographed Report, No. L3887, undated.

have come to be regarded as in keeping with policy. These have been so frequently and so carefully worked over that it is appropriate to think of them as 'standard'. Below are stated the more commonly used of these 'standard' provisions." The following was the wording of the homework preview: "Homework in this industry is hereby prohibited except as allowed under the Executive Order of May 15, 1934, pertaining to this subject, and any amendments thereof". This might have been accepted as a final statement of NRA policy on homework had it not been for the fact that the memorandum was prefaced with the words "These pages have no official standing".

Clarification of Policy by Definitions

By January, 1935, the number of codes with homework provisions had increased to 113. In spite of this comparatively large number, no one had taken the trouble to define exactly what was meant by the term "homework", "home", "living quarters", "dwelling place", etc. These terms had a generally understood meaning and were commonly used not only in the codes but in everyday conversations inside the NRA and outside. But towards the close of the year 1934 a situation arose which called for a clarification of these terms. The Merchant and Custom Tailoring Industry Code contained a homework provision which prohibited (after 4 months) "The practice of manufacturing in the home or living quarters of an employee".(*) In the absence of standard definitions, the words "home" and "living quarters" were interpreted by some to exclude "workshops" (**) in homes, which were often no more than rooms set aside for work, but adjoining the family's living quarters. It was found that unless the minimum wage and maximum hours (the latter particularly) of the code could be made to apply to all workers engaged in the industry, the code standards would give away under the pressure of the competition of the journeymen tailors (of whom there were a considerable number) plying their trade in the so-called home "workshop". The only solution was to state officially what was obviously the original intent of the code - the prohibition of all homework in the industry. This the Administration did, by issuing an Administrative Order (***) which defined "home or living quarters" as meaning

> "The private house, private apartment or private room, whichever is the most extensive, occupied as a home by the employee and/or his family."

Further, the Order ruled that

> "The practice of processing articles, the material for which has been furnished by the employer, whether performed in the home or living quarters of the employee, or the so-called shop, operated within the home or living quarters of the employee, as the term "home or living quarters" is defined herein, constitutes a violation of codes which provide for the abolition of home work; except as provided in Executive Order 6711-A, dated May 15, 1934."

In order to forestall the possibility of future evasion of homework prohibitions in the codes of other industries by the subterfuge of calling

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(*) Article V, Section 5.

(**) A number of these workshops in New York were licensed to do work under the State homework law. This and other similar situations led to conflict between State law and code requirements. These matters will be more fully treated later.

(***) Administrative Order No. X-134, January 26, 1935. Vol. 21, Codes of Fair Competition, p. 566.

a room commonly used for dwelling purposes, a "workshop", and in order to avoid any further ambiguity, the Order was issued in the form of a general interpretation which applied to all codes. Though this order contributed no new element to NRA homework policy, it clarified terms frequently used in connection with the homework problem, and thus rectified a common deficiency in a large number of codes.

Advisory Council on Homework

In the spring of 1935 the NRA began to pay attention to the need for revising code provisions on the basis of experience. Actual steps in that direction depended, of course, upon the renewal of the code system by Congress on June 16, 1935, when the National Industrial Recovery Act was scheduled to expire. As a preparatory measure, the National Industrial Board, which had replaced the Administrator, requested the Advisory Council to consider the subject of general labor provisions. In its report the Council defined homework as meaning "industrial work done in the home for wages paid by an outside employer". The report continued with the statement: "Homework ... is a form of labor, which despite arguments of convenience and low cost, has usually be accompanied by low wages, long hours, and poor working conditions. Furthermore, it creates a state of unfair competition between the employer who maintains an establishment where labor conditions can be regulated and those who require their work to be done in the homes of the employees, since this work cannot be regulated adequately.". (*)

"Present NRA policy (on homework)", said the Council, "directed to discourage homework except where such action would work undue hardship, is the result of a long period of study by a special Homework Committee, and is embodied in detail in the Executive Order of May 15, 1934, No. 6711-A" (**) (The Order noted above p.). While the statement that the trend towards the abolition of homework, with the exceptions provided by the Executive Order, as a policy resulted from extended study by the NRA Homework Committee was not entirely accurate (***), the policy set forth by the Council was the policy actually in effect. "Exemptions or variations from the specific policy outlined below should...be granted only when absolutely necessary", said the Council. The following provision was suggested as being "consistent with the Executive Order":

> "No employer shall permit any homework except at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business and after a certificate is obtained from the State

(*) P. 420, decision No. 230. May 23, 1935, Vol. V, Advisory Council Decisions No. 214-238.

(**) Ibid 420.

(***) Briefly, the reason for this statement is that while the Order affected homework policy, it was not offered as a policy recommendation. And no "long period of study" preceded its sponsorship by the Committee. The Committee urged its issuance on the basis of the most general considerations.

authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor. Such certificate shall be granted only if:

(a) The employee is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(b) The employee is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.

An employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the trade or industry or subdivision thereof concerned the name and address of each worker so certified." (*)

Actually, the statement of the Advisory Council was no more than a re-affirmation and slight elaboration of NRA homework policy as it had already been formulated. In brief, it said that homework should be abolished, the only exceptions being those allowed by the Executive Order. The implications of this position are significant. The classes of homeworkers exempted by the Executive Order definitely represented only a small percentage of the total number of homeworkers. (**) The homework system could not be expected to survive if so few homeworkers were permitted. By and large, the motives which had perpetuated the homework system as a phase of industrial production were not humanitarian. With all the economic advantages gone, it was not likely that a large number of manufacturers would continue sending work out to be done in homes simply because a few crippled, invalid and aged persons needed the work to get along. Thus, by its last word on the subject, the NRA placed itself on record for the complete elimination of homework.

The pronouncement of the Advisory Council quoted above was made on May 26, 1935, four days before the Supreme Court decision invalidated the codes. Advisory Council recommendations obtained "official status" only after they had been approved by the Administrator or the National Industrial Recovery Board, and for obvious reasons this did not take place in the case of the Council's declaration of homework policy.

(*) Advisory Council Decision, see above.

(**) See the first paragraph of the discussion of the Executive Order in Chapter III.

CHAPTER II - CODE EXPERIENCE

A. SUMMARY AND ANALYSIS OF CODE HOMEWORK PROVISIONS

Why Homework Provisions?

Since the factors which influenced the inclusion of homework provisions in codes of fair competition have already been indicated in a general way, (*) It is not necessary to repeat them here. In passing, however, it may be said that manufacturers who favored code clauses prohibiting homework were usually motivated by a desire to eliminate homework as a source of "unfair competition". Organized labor, on the other hand, opposed homework as a menace to higher standards of wages and hours and improved working conditions.

While these reasons generally account for code homework provisions, the specific homework provision written into a particularly code was a product of the special conditions in the industry and the bargaining powers of those who participated in the code negotiations. Thus in spite of the fact that labor favored the universal prohibition of homework, a number of industries in which the homework system was a considerable factor (**) failed to prohibit homework in their codes.

In addition to those indicated above, number of other reasons prompted the inclusion of homework prohibitions. In certain cases, usually at the instance of the Labor Advisory Board, prohibitory provisions were put into codes as a indication of policy for industries that had no homework. The coat and suit industry code has been mentioned (***) as an example. At least one case is known of an industry (Fibre and Metal Work Clothing Button Manufacturing Industry) in which although it had no homework, included in its code a provision prohibiting homework for fear that homework might develop. (****)

(*) See Chapter I, Section B.

(**) Lace, Knitted Outwear, Infants' and Children's Wear, Leather and Woolen Knit Glove, and others.

(***) Chapter I, Sec. C, P. 21 . Since homework in this industry had been abolished by union agreement, it is quite likely that the homework prohibition was put into the code without pressure from the Labor Advisory Board.

(****) The following is an excerpt from a letter by Mr. Geo. P. Byrne, Secretary, Code Authority of the Fibre and Metal Work Clothing Button Manufacturing Industry, dated August 31, 1934, and addressed to Mr. H. D. Vincent, Assistant Deputy Administrator: "The paragraph prohibiting homework in the industry was inserted in the code because homework is one of the serious malpractices of the Button Industry as a whole. It was recognized that Fibre and Metal Work Clothing Buttons might conceivably at some time be produced at home. The clause was therefore inserted to prevent such an abuse from developing in the Industry."

Summary and Analysis

During its life, NRA approved some 556 basic codes. Of this number 118 contained homework provisions. (*) A glance at the classification of code homework provisions (**) will show that 72 codes prohibited homework on the effective date of the code. In two instances, the prohibition of homework did not apply to the industry as a whole but only to a certain portion of it. (***) Of the 72, three codes (Beauty and Barber Shop Mechanical Equipment, etc., Coat and Suit and Tanning Extract) were later amended to conform to the Executive Order on homework. (****)

Nineteen codes prohibited homework after allowing a period of adjustment for the transfer of homework to factor production. (*****) These periods varied from one to six months. Though it is not so listed in the tabulation (Appendix A), the Knitted Outerwear Industry Code (******) might be classified as prohibiting homework after a period of one year. Justification for such a classification would turn upon inferences as to the intent of the provision. But whether the objective was the prohibition of homework or its regulation is not, at this time, clear. (*******)

Ten codes drafted and approved after the Executive Order was issued, incorporated its terms or made some reference to it.

Adding the various types of prohibitions, we find that out of 118 codes with homework provisions 101 codes prohibited homework or about 86%. Twenty-one per cent (118) of the total number of approved basic codes (556) contained homework provisions.

It must be reiterated that homework was not necessarily a problem in all industries with homework provisions in their codes. The U. S. Department of Labor has listed the following industries as having included homework provisions while not complying homework: (********)

(*) See Appendices A and B.

(**) Appendix A.

(***) See homework provisions in Rubber Industry Code -- Rainwear Division and in Novelty Curtains, Draperies, Bedspreads, etc. Code.

(****) This was not really necessary because the Executive Order applied to all codes which prohibited homework.

(*****) See Column (4), homework prohibition "on specified future date", Appendix A.

(******) See homework provision in Appendix B.

(*******) See supplement on homework in the Knitted Outerwear Industry.

(********) Source: Appendix D, p. 46, "The Commercialization of the Home etc.," Bulletin No. 135, Women's Bureau, U. S. Dept. of Labor.

Assembled Watch
Blackboard and Blackboard Eraser
Cigar Container
Clock
Cloth Reel
Cocoa and Chocolate
Corrugated and Solid Fiber Shipping Container
Cylindrical Liquid Tight Paper Container
Dental Goods and Equipment
Envelope
Expanding and Specialty Paper Products
Fiber and Metal Work Clothing Button
Fiber Can and Tube
Folding Paper Box
Food Dish and Pulp and Paper Plate
Glazed and Fancy Paper
Graphic Arts
Grass and Fiber Rug
Gumming
Light Sewing (except garments)
Open Paper Drinking Cup and Round Nesting Paper Food Container
Ornamental Molding, Carving, and Turning
Package Medicine
Paper Disk Milk Bottle Cap
Perfume, Cosmetic, and Other Toilet Preparations
Precious Jewelry Producing
Printer's Rollers
Ready-Made Furniture Slip Covers
Robe and Allied Products
Rubber Rainwear (included in Rubber Manufacturing Code)
Sanitary Milk Bottle Closure
Shoe Pattern
Silverware
Slit Fabric
Stereotype Dry Mat
Tanning Extract
Transparent Materials Converters
Umbrella Frame and Umbrella Hardware
Underwear and Allied Products
Used Textile Bag
Watch Case
Waterproof Paper
Welt Manufacturing
Wood-Cased Lead Pencil

On the other hand, five codes are listed (*) under the heading "Homework Continues with no Regulatory Provisions Written in Codes":

Clothespin Division (included in Wood Turning and Shaping Code)
Curled Hair Manufacturing and Horse Hair Dressing
Lace
Pecan Shelling
Punch Board

(*) Ibid. p. 47.

That the amount of homework untouched by the code system was considerable may be inferred from the following list which appears in the report under the title "Homework Continues, No Code for Industry" (*):

Home-work Process	Industry
Bead Stringing	Plastic Fabrication
Bone Button Carding	Bone Button
Fountain Pen and Mechanical Pencil Assembling	Fountain Pen and Mechanical Pencil
Gold Leaf Making and Booking	Gold Leaf
Greeting Card Coloring, Ribboning, Inserting, etc.	Greeting Card
Hand Quilting and Hand Appliqueing	Hand Quilted Textiles
Hooked Rug Making	Hooked Rug
Hook and Eye Carding	Hooks and Eyes
Leather Button Carding	Leather Button
Mounting of Maps, etc.	Mounter and Finisher
Needle Packing	Needle
Pin Carding	Pin
Ocrea Pearl Button Carding	Ocean Pearl Button
Rag Sewing	Rag Sewing
Rosebud Making by Sewing from Ribbon	Rosebud
Safety-Pin Carding	Safety Pin
Snap Carding	Snap
Pasting slips of paper bearing hidden numbers on card	Tally Card

While the tabulation in Appendix A is for the most part self-explanatory, there are a number of points that deserve special comment. The second major column of Appendix A suggests two months of limiting homework: (a) reduction of the number of homeworkers, and (b) prohibition of a certain type of homework. The latter method was the more popular of the two. However, in some instances the provision instead of specifically prohibiting a single type of homework, prohibited homework generally but permitted the specific type. (**) Such provisions are also noted

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(*) Ibid., p. 48.

(**) Thus, the Light Sewing Code prohibited homework except handwork on candlewick spreads, and on hand-quilted spreads for six months. The Knitted Outerwear Code barred all homework except hand knitting which included hand crocheting, hand embroidering, etc. The Ladies Handbag Code prohibited all homework except hand beading, hand crocheting, hand embriodering, etc. (See Appendix B for the provisions.) In such instances the prohbition of homework meant little or nothing because the kind of homework forbidden (e.g. homework on machines was not done anyhow or if it was done, did not compare in extent with those types of homework which were permitted.

in Column (7) of Appendix A.

Attention should be called to a number of stays (*) which tended to negative the purposes for which the provisions were written. Typical examples are the following (**):

The Athletic Goods Code prohibited all homework except the sewing of low-grade baseballs for a period of one year from the effective date (February 12, 1934). At the end of the year the NRA granted a stay of the prohibition for 60 days (until April 12, 1935). In the following month the code system was invlaidated by the Supreme Court. It cannot be said then that the prohibition of homework, as far as low-grade baseballs were concerned, ever meant much in actual operation. The rates for homeworkers in the Candlewick Bedspread Code were stayed three times. (***) The labor provisions of the Furniture Code were stayed insofar as they applied to homeworkers (****) pending a report by the code authority on the subject of homework in the industry. In the Knitted Outerwear Industry complete prohibition of homework (*****) was due to take effect on January 1, 1935, one year after the effective date of the code). In February 1935, the prohibition was stayed until May 15. Less than two weeks later came the Schechter decision.

Besides these stays, the tabulation in Appendix A fails to show several other important factors. (******) Thus, it does not list the Lace Industry Code among the codes with homework provisions; yet the Lace Industry made an earnest effort to regulate homework under the code. (*******) Though no homework provisions were written into the Code, the regulation of homework was a part of the industry's effort to give full effect to the minimum wage and maximum hour provisions of the code,

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(*) A stay was an official suspension of a provision.

(**) Some of these stays are indicated in Appendix B.

(***) See Appendix B.

(****) By Administrative Order No. 145-3

(*****) Art. VI, Sec. (a) and (c), Knitted Outerwear Code, See Appendix B

(******) It must be remembered that Appendix A, "Classification of Code Homework Provisions" deals only with the provisions themselves. It does not show actions taken pursuant to the provisions or having relation to them.

(*******)"In no other industry had the Code Authority prescribed so high a standard of wage payment for homeworkers, and in no other industry were such intensive efforts made to see that the standard was observed," says the U. S. Department of Labor of the Lace Industry. (p. 38, "A Study of Industrial Homework in the Summer and Fall of 1934," U. S. Department of Labor.) Further, "In regar to hour of work and the employment of children, again only the Lace Industry has made a concerted effort to regulate...." (Ibid., p. 61.)

the theory being that the term "employees" was broad enough to include all workers in the industry.

Further, the tabulation does not reveal the fact that the regulations submitted by the Fresh Water Pearl Button Code Authority included piece-work rates for homeworkers. In the Furniture Industry manufacturers employing homework labor were offered by NRA exemptions from the minimum wage provisions as to this labor provided certain rates were paid. Only one or two firms availed themselves of this opportunity. The others protested that the rates set by the deputy were too high.

The operation of some of the provisions tabulated in Appendix A will be described and analysed in the later sections of this Chapter.

Homework and Code Labor Standards

Every code established four standards for labor: (a) maximum hours of work, (b) minimum wage, (c) the right to organize and bargain collectively, and (d) prohibition of child labor.

In those industries which did not abolish homework unless it was clearly understood that the definition of "employee" included homeworkers, the homeworkers, the homework system constituted a means of evading these standards. Generally it was understood that homeworkers were included, and that they were entitled to the benefits of the labor provisions, of the codes. It was on this theory that the Lace Industry set up regulations: (a) guaranteeing a minimum wage to homeworkers; (b) regulating their hours to conform to the maximum permitting by the code; (c) eliminating child labor, etc.

In some quarters, however, there was a tendency to consider homeworkers as beyond the range of code benefits. The Furniture Industry Code for example, except for requiring that a study of homework be made, made no mention of the problem. When the manufacturers utilizing this type of labor realized that the minimum wage provisions of the code applied to homeworkers, they asked for a stay of the labor provisions insofar as homeworkers were concerned, and their request was granted (*) Even where there was an understanding that homeworkers were entitled to code benefits like other employes, there remained the serious problem of devising and enforcing regulations to accomplish this end. The commendable and thorough efforts of the Lace Industry met with only partial success, according to the U. S. Department of Labor. (**)

In industries where homework was abolished and also in industries with homework regulations, the use of contractors offered a means of evading code labor standards. The following is an excerpt from a letter written by a Department of Labor investigator who had been interviewing homework employers in a number of New York industries:

(*) Administrative Order No. 145-3.

(**) "A Study of Industrial Homework in the Summer and Fall of 1934." p. 38, 61.

"The abolished (*) industries have for the most part turned the work over to contractors, and these contractors under one form of trickery or another have given the work out to individual homeworkers. Even in the nonabolished (**) industries, contracting has come into vogue. This method of giving out the work frees the manufacturer from all responsibilities of living up to code regulations. The contractor being a man with little or no capital, and no reputation to risk, has little to lose even if he is caught violating the code."(***)

Inconsistency Among Code Homework Provisions

The classification of homework provisions contained in Appendix A shows a heavy concentration in the columns to the left, which indicate prohibitions of homework. In a sense, however, this is misleading because it features the similarities among the provisions and neglects the differences. However, these differences presented a serious problem only in the needle trades, and related principally to a few hand processes: embroidering, crocheting, and beading, which are used very generally in the apparel industries and occasionally in non-apparel industries such as Light Sewing or Art Needlework.

The following summary indicates the variations in the homework provisions of several codes with respect to these processes (****) particularly whether the process is prohibited (either by a specific provision to that effect or by a general homework prohibition) or permitted (either expressly or because the code contained no homework prohibition). (*****)

(*) i.e. industries under codes which did not prohibit homework.

(**) i.e. industries under codes which did not prohibit homework.

(***) Quoted in a memorandum to Mr. O.W.Rosenzweig, Chairman, NRA Homework Committee, from Mrs. Clara M. Beyer, Executive Secretary, Secretary's Committee on Minimum Wage, U. S. Department of Labor. September 21, 1934.

(****) For this material, the writer is indebted to Mrs. Lucy Manning of the U. S. Department of Labor, who prepared the data in September,1934.

(*****) For the details, see the actual code provisions in Appendix B.

HAND EMBROIDERY

Prohibited	Permitted
Blouse and Skirt	Art Needlework (Samples only
Dress (Women's)	Cotton Garment (if incidental)
Pleating & Stitching, etc.	Handkerchief (on handmade handkerchiefs and those on which the labor cost of hand operation is equal to 60 percent of total labor cost provided wholesale cost is not less than $3.50 a dozen.)
Undergarment & Negligee	Hosiery (in certain individual cases)
Underwear & Allied Products	Infants & Childrens Wear
	Knitted Outerwear
	Ladies Handbag
	Light Sewing (On candlewick Bedspreads)

HAND CROCHETING

Prohibited	Permitted
Blouse and Skirt	Art Needlework (Samples only)
Cotton Garment	Handkerchief (on hand-made handkerchiefs and those on which the labor cost of hand operation is equal to 60 percent of total labor cost provided wholesale cost is not less than $3.50 a dozen.)
Dress	Infants and Children's Wear
Pleating & Stitching	Knitted Outerwear
Undergarment & Negligee	Ladies Handbag
Underwear & Allied Products	Light Sewing (if used can be on Candlewick Bedspreads)

HAND BEADING

Prohibited	Permitted
Blouse and Skirt	Art Needlework (Samples only)
Cotton Garment	Hosiery (in individual cases; beading probably not used)
Dress (Women's)	Handkerchiefs (if beading is used, it can be done on hand-made handkerchiefs and on those on which labor cost of hand operation is equal to 60 percent of total labor cost, provided wholesale cost is not less than $3.50 a dozen.)
Pleating & Stitching	Infants & Children's Wear.
Undergarment & Negligee	Knitted Outerwear (provided beading is used and if it is crocheted beading and therefore crocheting or if it is held to be form of hand embroidery.)
Underwear & Allied Products	

HAND BEADING

Ladies Handbag
Light Sewing (if used could be done on Candlewick Bedspreads.)

These differences between homework provisions, coupled with the loosely drawn definitions of industry, led to serious jurisdictional conflicts among code authorities and caused many administrative difficulties. If homework had been prohibited in all codes, or at least in all apparel or needle trade codes, one source of jurisdictional conflicts would have been eliminated. But so long as one manufacturer could give out homework while another was restrained from giving out the same kind of work because under a different code, conflict was bound to develop. These circumstances led also to a practice on the part of manufacturers who had been using homework until their code prohibited it of "shopping around" to get under a code that permitted it.

In describing such a situation a Department of Labor official said: "The possibility of 'shopping around' among the codes, affiliating with that industry which offered the greatest loopholes, is illustrated by the case of a firm which originally belonged to the Pleating, Stitching, Bonnaz and Hand Embroidery Code. Upon discovering that codes for the Infants and Children's Wear and Knitted Outerwear Industries did not prohibit homework, this firm attempted to withdraw from the first group, on the grounds that some of its products were infants' and children's garments. This move was naturally resisted by the Code Authority. The case is still pending."(*)

Difficulties such as these led the Pleating and Stitching Code Authority to ask for jurisdiction over all the processes listed in the definition of the term "industry" in this code.(**)

The Pleating and Stitching Code prohibited homework and its definition of "industry" it claimed jurisdiction over all "embroidery". The Ladies Handbag Code permitted homework involving hand beading, hand crocheting and hand embroidering. "There is no valid reason whatsoever for permitting in homes, beading on handbags, while prohibiting in homes beading on dresses, blouses and other garments," said the Executive Director of the Pleating and Stitching Code Authority. (***)

Similarly, the Knitted Outerwear Code permitted "hand crocheting, hand embroidering and hand sewing" in homes. The Infants' and Children's Wear permitted hand work in homes. On the other hand, the Dress, Coat and Suit, Blouse and Skirt, Millinery, Undergarment and Negligee, and other apparel codes prohibited homework.

(*) "Memorandum on Industrial Homework in Embroidery" filed with N.R.A. by Mrs. Clara Beyer, U. S. Department of Labor, in connection with the Pleating, Stitching, etc, Interpretation Hearing November 20, 1935.

(**) p. 1, Memorandum on "The Inconsistencies of NRA Policy on Homework" to the NRA Homework Committee from Mr. Ivar Avelson, Executive Director for the Pleating, Stitching Code Authority, August 4, 1934.

(***) Ibid., p. 2

"It would be useless to discuss with other Code Authorities this conflict as to jurisdiction and abolition of homework," said the Executive Director of the Pleating, Stitching, etc., Code Authority. (*) "Even if an agreement was reached between code Authorities," he continued, "there would still remain considerable confusion as there would be no uniform, consistent policy in reference to the prohibition of homework."

This lack of uniformity among homework provisions in codes for the apparel industries was described by a State Labor department official as "administratively chaotic." (**) The Executive Director of the Pleating and Stitching Code Authority, said:

> "As a result of this we have the anomalous situation of a homeworker being prohibited from performing embroidery, such as hand beading, drawn work, fagoting, and various forms of decorative stitchery on dresses, coats, suits, blouses, skirts, millinery, and underwear. On the other hand a homeworker is allowed to embroidery in the home on infants' and children's wear, knitted outerwear, ladies handbags, women's neckwear, hosiery and various novelties. Naturally the bewildered homeworker, is at a loss to understand why it is legal to do embroidery on one type of garment in the home and illegal to do it on another type. The manufacturers and contractors "also are at a loss to understand the reason for the same process being prohibited in the home on one article and not on another.
>
> "The situation is so complicated and so confusing Mr. Axleson continued, "that the officials of the State Labor Departments do not know, which manufacturers, contractors, and homeworkers, are entitled to permits. In granting a permit to a homeworker under the state law to do hand embroidery, it is impossible to specify on what work homework is permitted and on what articles it is prohibited. Furthermore, many manufacturers and contractors do embroidery work on all kinds of garments and specification is impossible in their cases as well." (***)

(*) Ibid, p. 2.

(**) Miss Frieda Miller, New York State Department of Labor, p. 108, Transcript of Pleating, Stitching, etc., interpretation hearing, November 20, 1934. Day Session - First day.

(***) p. 3, Memorandum on the "Inconsidtencies of NRA Policy on Homework Committee from Mr. Ivar Axelson, Executive Director for the Pleating Stitching, Etc., Code Authority, August 4, 1934.

Conclusion:

It has been impossible to discuss the pattern of code homework provisions without giving some indication of how those provisions operated. We have, however, been more concerned in this Section with the pattern than with the operations. In the remainder of this chapter, we shall trace the individual experience of a number of industries with the homework provisions in their codes.

However, in spite of the obvious dangers involved in judging the text of a law without inquiring fully into its administration, we may pause to note that the above analysis clearly pointed to the need of eliminating the disharmonies among code homework provisions.

CHAPTER III - NRA EFFORTS TO STANDARDIZE THE CONTROL OF HOMEWORK

A. THE NRA HOMEWORK COMMITTEE

The experience of several industries under code homework provisions has been described and analyzed. Supplementing the experience of the individual industries - the National Recovery Administration attempted in several ways to introduce uniform standards in the control of homework, and the present chapter is devoted to an analysis of the conditions which created a need for uniform regulation, the instrumentalities chosen to formulate standards, the standards themselves, and the problems which arose from the efforts to maintain them.

Organization of Committee

At the time the NRA Homework Committee was established (March, 1934) nearly one hundred codes containing homework provisions had been approved. In spite of this there was little information about homework in NRA files. One might reasonably suppose that if an industry was interested in putting a homework provision into its code, it would have made a careful survey of its homework situation. But this was not the case. Industries were chiefly concerned with larger and more important problems than homework, which after all was only incidental compared to the reduction of unemployment, the distribution of purchasing power, the stabilization of the price structure, etc. It must also be taken into consideration that in the haste that characterized the code making process there was not time for more than a cursory collection of factual evidence. Not one of the industries that submitted codes with homework provisions came to NRA hearings prepared to show what the economic and social effect of these provisions would be. In no instance did a homework industry even know how many homeworkers employed. (*)

While it was the purpose of the public hearing to advise "the National Recovery Administration of the facts upon which the exercise of administrative authority must be predicated" (**) the hearings,

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(*) On a much smaller scale it is not unusual for a manufacturer not to know how many homeworkers are doing his work, particularly if he uses a "contractor" or middleman to distribute the work.

(**) NRA RELEASE, June 27, 1933. Not numbered.

generally speaking failed to provide an adequate view of the homework problem even in those industries where the problem was of serious magnitude. Careful consideration of numerous transcripts of hearings on codes with homework provisions leads one to the conclusion that the subject of homework inspired more oratory (*) than disinterested analysis. There were several reasons for this in addition to those already suggested, even when information about homework in a particular industry or locality was available it was sporadic and fragmentary. (**) On the other hand, the absence of homework information in transcripts of hearings was the fault of the industry or labor representatives who neglected to acquaint themselves with the few facts that were available, as it was the fault of the deputies and their assistants who, in the rush to get codes approved, failed to give the subject the attention it deserved.

The effect of the variations or "inconsistencies" among code homework provisions has already been mentioned. (***) The situation has been aptly described by the Department of Labor:

> "Owing to the peculiar definitions of industries for purposes of code making, an employer doing a certain line of work might be prohibited the use of homeworkers by the terms of his code, whereas a competitor who was able to classify his business a little differently could affiliate with another industry group and be permitted by the terms of that code to continue the practice. The homeworkers could understand the situation even less than their employers; the injustice of depriving one family of work while permitting its neighbors to continue with a slightly different type of work was apparent, and weakened the zeal of enforcing officers." (****)

It was plain that a reduction, if not complete elimination, of these inconsistencies was necessary if effective administration was to be accomplished.

The need for basic homework information, coupled with the fact that the lack of uniformity among code provisions was creating confusion and retarding effective administration, led to the establishment of the

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(*) Obviously it is a subject that easily lends itself to emotional treatment.

(**) And this will continue to be true until a national census of homework is taken.

(***) See Chap. I, p. 5 . and Chap. II, p. 34.

(****) p.3 "A Study of Industrial Homework in the Summer and Fall of 1934." A Preliminary Report to the IRA, U.S. Department of Labor.

NRA Homework Committee. On March 17, 1934, an Office Order (*) was issued which provided for the setting up of a special committee "to study the elimination of homework under codes of fair competition." Whether this meant that the committee was to confine its attention to industries under codes which prohibited homework or whether the committee was to examine "the elimination of homework" as an objective and explore the possibility of fitting such a program "under codes of fair competition", was not made clear. At any rate, the committee did not interpret its assignment as limited to an inquiry covering only those industries under codes that prohibited homework.(**) The Order provided further that "the Committee shall investigate and within sixty (60) days shall make recommendations to the Administrator, for his approval, concerning regulation of homework or modifications of existing provisions where undue hardship results." The membership of the Committee was to consist of the following: "A Chairman designated by the Director of the Division of Research and Planning; a representative of each Advisory Board; and such representative as the Secretary of Labor may designate."(***)

Efforts to obtain Information

The first task to which the Committee addressed itself(****) was

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(*) No. 72.

(**) At the time the Committee was established some fifteen codes either provided for the limitation of homework, set up regulations, or specified that a study should be made.

(***) It may seem odd that double provision was made for representation by labor (one representative from the Labor Advisory Board and "such representative as the Secretary of Labor may designate"). The fact of the matter is that homework is essentially a labor problem and the NRA members of the Committee lacked the technical knowledge and experience which the Labor Department members had.

(****) Before this the Committee had prepared an Executive Order which enabled a few handicapped homeworkers to continue doing homework in those industries under codes which prohibited homework. The Order was referred to in Chap. I (see pp. 5 to 35.) and is given special treatment in the next Section. For these reasons it does not seem necessary to do more than mention it at this point.

getting information upon which to base recommendations. There were three methods (*) that could be used separately or in combination: (1) a public hearing by the Committee, at which social workers, homeworkers, economists, labor leaders, state labor department officials, industry members, etc. might be called to testify; (2) questionnaires to code authorities requesting specific information; (3) a field investigation including interviews with both homeworkers and employers.

The idea of calling a hearing on homework was quickly tabled. The Committee had little faith in the public hearing as "a fact finding device"; where there were so few facts to begin with a hearing could hardly be expected to contribute more. With allowances for the nature of the information being sought, the most adequate method of investigating homework is that of field inspection. But this involves extended work in the field and much travel and necessitates employment of a staff of expert investigators, and obviously such a committee as the NRA Homework Committee, limited as to both facilities and time, could entertain no hope of making a field study. The questionnaire method, therefore, remained.

Only once before had a committee been set up to gather information on homework from a nation-wide point of view. That was in June, 1925, at the Twelfth Annual Convention of the Association of Government Labor Officials, when a committee was established "to look into the question of industrial homework, the extent to which such work is conducted in the various states, and the methods being taken to deal with the situation, etc." This committee addressed a questionnaire to officials in forty-five states,(**) but the results were negligible. On the basis of the limited information gathered, the Committee concluded that while "industrial homework is without question a live problem in many sections of the United States ... information as to its prevalence, the numbers and kinds of workers engaged in it, the conditions under which the work is done, the industries affected and the interstate aspects of the problem is either lacking entirely or admittedly inadequate ... even in States where the existence of homework (at least in some industries) is known to the State authorities, and even in States where the existence of a homework problem has been recognized in the enactment of prohibitory or regulatory legislation."(***)

(*) Barring "library research", which though it would have provided valuable background material was not considered as offering much help. What the Committee needed was current information which would indicate the actual effect of code homework provisions.

(**) Arizona, Idaho, and New Mexico were left out because they had no factory inspection departments.

(***) "Proceedings of the Thirteenth Annual Convention of the Governmental Labor Officials of the United States and Canada", U. S. Department of Labor, Bureau of Labor Statistics, Bulletin No. 429, p. 37, January, 1927.

In spite of this discouraging precedent the NRA Homework Committee decided to circulate questionnaires. As pointed out above, the Committee interpreted its assignment liberally and while its primary task was "to study the elimination of homework under codes"(*) its original intention was to gather information generally in coded industries employing homework regardless of the nature of the particular code homework provisions, and even where there was no homework provision. Accordingly it was planned to cover the following groups: (1) industries under codes which made no mention of homework(**) the assumption being that the absence of a homework provision was not necessarily evidence that there was no homework in the industry, (2) industries under codes which prohibited homework (***), (3) industries under codes which provided (a) for the regulation of homework (****) or (b) that a study of homework in the industry should be made. (*****)

Questionnaires were drafted for those in the first and second classes but on account of the variations in the provisions in the third group, it was felt that individual letters would have to be written adopted to the nature of the particular provisions. However, the Committee decided that since this phase of the problem was less important than the others, it was not necessary to take immediate action upon it. (******)

(*) Which was taken to mean industries under codes prohibiting homework.

(**) The Lace Code, for example. Pecan Shelling, Punch Board, and others are listed by the U. S. Department of Labor. See "The Commercialization of the Home Through Industrial Homework," Bulletin No. 135, Women's Bureau, p. 47.

(***) In this group were included provisions prohibiting homework on the effective date of a code or on some specified day thereafter.

(****) Examples: Candlewick Bedpread, Hosiery, Leather & Woolen Knit Gloves, etc.

(*****) Examples: Two of the Button Codes - Fresh Water Pearl and Vegetable Ivory; Furniture, etc.

(******) These letters were never written because of the poor results obtained from the questionnaires.

With regard to industries under codes making no mention of homework (the first group) what the Committee wanted to know was whether homework was used at all and if so to what extent, and if the use of homework had increased or decreased within the year (April 1933 to April 1934), and if so what was the cause of the change. (*) The question was also asked whether (in the absence of a code provision dealing with homework) the code authority had prescribed rules and regulations governing the use of homework.

In May, 1934, questionnaires were sent to some 254 industries in this group. Where an industry was obviously of a nature precluding the possibility of homework, such as coal, iron and steel, locomotive manufacturing, it was omitted from the list, otherwise the selections were made at random. To be sure, the number might have been pared down, but the Committee preferred too many to too few lest a valuable clue be lost.

One hundred twenty-two replies were received. Most of these were simply the questionnaires with the word "NONE" (meaning presumably "no homework"): others were short letters stating that the industry employed no homeworkers. None of the returned questionnaires, presented any information in the form in which it had been requested, and therefore it was not possible to tabulate the results.

Equally disappointing was the Committee's experience with the questionnaires sent to industries in the second group (those under codes prohibiting homework). The inquiries covered: (1) the number of homeworkers (for a one-year period between April 1933 and April 1934), the total payroll to homeworkers, and the total industry payroll: (2) the extent of expansion of factory facilities to absorb homeworkers; (3) the nature and number of complaints, if any, which had arisen under the homework provision; (4) the extent to which the code authority had obtained compliance with the homework provision; and (5) the factors preventing complete compliance with the homework provision. These questionnaires were sent to 72 industries (**) and 27 code authorities answered. Many of the replies were definitely evasive; some offered mere guesses or opinions as to the number of homeworkers. A few code authorities which did not have information requested, made efforts to collect it from members of their industries, but could get no cooperation. Such facts as were submitted were fragmentary and failed to represent a genuine cross-section of homework.

(*) Sample factors were suggested - limitation of machine hours, minimum wage provision, maximum hour provision, and other.

(**) The list was taken from an analysis of code homework provisions by the Labor Advisory Board, dated April 30, 1934. Mimeographed, No. 5640.

It is true that few, if any, code authorities were organized to function accurately as early (*) in the history of NRA as April, 1934, and thus they may not have been in a position to give the information the Committee had requested. However, the absence of homework intelligence even in those industries which had placed homework provisions in their codes pointed clearly to the manner in which code provisions in general were written -- without a background of statistical or economic knowledge. That this was particularly true of homework provisions was due not merely to the difficulties of gathering information inherent in the homework problem, but it was due also to indifference or negligence on the part of industry (which in turn was due to industry's preoccupation with problems larger in scope and in importance) and to the lack of commonly defined NRA standards by means of which deputies and their assistants could determine what constituted an adequate showing of fact.

Failing in its efforts to obtain information from code authorities, the NRA Homework Committee was compelled to fall back on the United States Department of Labor. In a memorandum to the Administrator dated June 11, 1934, the Committee stated that "the results of this 'paper' (questionnaire) investigation provide no adequate basis upon which the Committee may render a report. It is clear that we need a more extended investigation of another sort. Such an investigation could be conducted most fittingly by the U. S. Department of Labor through the use of its trained investigators." The Administrator promptly dispatched a letter to the Secretary of Labor urging "that a field investigation of the homework situation be made."

The Department of Labor began this field study in June 1934 and finished in November of that year. The study (**) covered 2,320 homeworkers in 1,473 families located in seven states (Iowa, Maine, New Jersey, New York, Pennsylvania, Rhode Island and Texas) and doing work for nine industries (knitted outerwear, lace, infants and children's wear, art needlework, fresh water pearl button, dolls' dresses, tags, embroidery, etc., and gloves). (***) The findings of this study will be discussed more fully later in connection with the industries named.

(*) "Early" because the NRA was still in the throes of the code making process. It had not yet settled down to the work of administration.

(**) The results were published in March 1935 under the heading "A Study of Industrial Home Work in the Summer and Fall of 1934, a Preliminary Report to the National Recovery Administration," U. S. Department of Labor.

(***) The findings of this study were used liberally in Chapter II of this report, in the discussions of certain individual industries.

The Advisory Stage

In turning over to the Department of Labor the task for which it had been created, the usefulness of the NRA Homework Committee seemed to be at an end. However, the wide variety in the homework provisions in codes suggested a further function which the Committee might perform. In the day-to-day administration of these provisions (i.e., the handling of petitions for stays and exemptions, the setting of piece work rates, the supervision of code authority studies etc,), the results were determined largely by the background or point of view of the deputy or assistant deputy in charge and the zeal of the labor adviser, and it was not strange that there was a marked lack of coordination in NRA homework activities, in spite of a fairly well-crystallized policy on homework.

To help this situation, in July, 1934, the Homework Committee was re-established as an advisory committee to deputies on all matters concerning homework. The Office Order (*) required that "all questions concerned with homework, such as stays of homework provisions, exemptions from homework provisions, the setting of piece-work rates for homeworkers under codes which do not prohibit homework, etc., shall be submitted to the Homework Committee by the Deputy Administrator in charge." The plan was that in each case the Homework Committee should analyze the issues involved, examine the facts submitted (and gather others when possible), and render a report to the deputy.

For several months during this second, advisory stage of its existence, the Committee held regular meetings and disposed of a fairly steady but not voluminous stream of business. The following is a sample list of some of the matters considered and reported on by the Committee:

Termination of exemption from homework provision in the Medium and Low Priced Jewelry Manufacturing Industry Code.

Stay of homework prohibitions in these codes: Umbrella Frame and Umbrella Hardware Manufacturing Industry, Flag Manufacturing Industry, and Fibre and Metal Work Clothing.

Plan for the control of homework in the Texas Area of the Infants' and Children's Wear Industry.

Rates for the home caning of chairs in the Furniture Industry.

(*) Office Order No. 98, July 7, 1934.

Extension of exemption from homework provision in the Toy and Playthings Code.

Amendment to the Code for the Toy Industry to cover homework.

Piece rates for home carding of buttons in Fresh Water Pearl Button Industry.

Lacking a staff of any kind, the Committee had to organize itself for the prompt handling of such matters as it might be called upon to consider. The decision of the problems presented to the Committee invariably called for more information than was in the possession of the deputy or assistant deputy, and in any event, it was necessary to analyze each problem thoroughly. Accordingly, it was decided by the Committee (*) that the Chairman should assign in rotation to the several members of the Committee the preparation of summaries and reports on the cases that arose. It was planned to circulate copies of these reports among the members a day or so before the next meeting, to give them an opportunity to acquaint themselves with the issues and if possible arrive at a conclusion.

This arrangement did not prove satisfactory for the reason that the members of the Committee were all too busy with other matters. Finally, the Department of Labor assigned an aide to the Chairman of the Homework Committee to relieve him of the load of correspondence, and to cooperate with him in the preparation for members of the Committee of analyses and summaries of the various cases. Each report contained the Chairman's recommendations regarding the disposition of the case.

Formulation of Standards

Though each case that came before the Committee was considered on its individual merits, the reports rendered by the Committee and the recommendations made suggested a number of guiding principles. The need of accurate information was stressed repeatedly. Thus, when the Fresh Water Pearl Button Code Authority (**) (authorized by the code to fix piece rates for carding buttons in homes, with the approval of the Administrator) submitted certain homework piece rates (***) to the Administration for official approval, the Committee declined to take any action unless further information was submitted. (****) The evidence presented by the Code Authority at a public hearing held on these rates was analyzed by the Committee and found to be inadequate. (*****) A field investigator was sent out by the De-

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(*) Minutes of Meeting No. 6, par. 2, NRA Homework Committee.

(**) Code No. 310, approved February 26, 1934.

(***) Only the rates themselves were submitted to the Committee; there was no explanation of the basis upon which the rates were fixed; no figures to show what the earnings of the homeworker of average speed would be at these rates, etc.

(****) Memorandum to Mr. M. D. Vincent, then Assistant Deputy Administrator, from NRA Homework Committee, July 27, 1934.

(*****) Memorandum to members of the Homework Committee from O. W. Rosenzweig, Chairman, July 20, 1934, in re Homework Piece Rates--Fresh Water Pearl Button Code.

partment of Labor to gather the necessary data, and the Code Authority was asked certain questions regarding "the basis used in establishing the proposed rates; also whether, since the hearing, the proposed piece rates have been tested to see how much they yield in hourly earnings." (*) Finally, the Committee recommended approval of the proposed rates for a trial period of two months, and also recommended that "the Deputy... request the Industry to submit production and other records which would help the Committee... to estimate the effect of the new rates." (**) Numerous instances arose in which the Committee delayed making recommendations until it had obtained fuller or more accurate information about a particular situation. In this connection the State labor departments were of considerable assistance, especially those in New York and Pennsylvania.

In industries where homework was not prohibited , the Committee insisted that careful safeguards be thrown about the use of homework labor to eliminate as many of the evils of the system as possible. For example, a number of firms in Texas under the Infants' and Children's Wear Code (***) which had been granted exemptions from the minimum wage provisions of the code, (****) to submit a plan for the control of homework. The Committee recommended that the plan which was finally offered be rejected because "it fails to set up any method designed to enforce observance of rates fixed in the exemption order, or to obtain compliance with the child labor provisions of the Code, and fails to prescribe a method for determining the amount of work an efficient worker earning the... minimum can produce in 40 hours of work in a factory". (*****) In a similar situation in the Furniture Industry, the Committee insisted upon certain safeguards if homework was to continue. (******)

It must be kept in mind that the presence of a prohibition of homework in a number of codes was a fact, or rather a policy, which the Committee as a whole had to accept, prohibitory provisions being already in these codes when the Committee was established. Generally, however, the Committee was not opposed to this policy.

(*) Ibid.

(**) Memorandum to Mr. M. D. Vincent, Division Administrator, from O. W. Rosenzweig, Chairman, NRA Homework Committee, August 10, 1934.

(***) Code No. 378, approved March 27, 1934, which prohibited homework only where done on sewing machines.

(****) By Administrative Order 378-5.

(*****) Memorandum to Mr. B. M. Oppenheim, Executive Assistant, Apparel Section from NRA Homework Committee, July 27, 1934, Subject: Homework re certain manufacturers of infants' and children's wear in Texas.

(******) See Chap. II, pp. 34 to 45 .

For some time after the issuance of Office Order No. 98, the Review Division (*) of the NRA required that a memorandum from the Homework Committee (to show that it had been consulted) be included with the documents forwarded with each administrative order in the last stage before its approval. But this practice was discontinued as the number of homework problems requiring official attention waned and the number of larger problems of code administration increased.

Conclusions

From its very inception the NRA Committee was beset by practically insurmountable difficulties. It has already been noted that the members of the Committee were so much occupied with other matters that they had little time or energy left for forming careful opinions on homework problems. The Chairman of the Committee was an assistant deputy who during the peak of code congestion was responsible for some twelve or thirteen codes in addition to his homework duties. NRA procedure required every Board to pass judgment upon an industry proposal or request. "There are too many Boards to consult" was the complaint of many trade association executives, and a number of deputies shared this opinion. Accordingly, some of the deputies in charge of codes under which homework problems were arising began to feel that the NRA Homework Committee was "just another Board" - i.e., an added obstacle to efficient administration. As a result homework problems drifted away from the central, coordinated handling of the Committee, and began to be dealt with individually by the deputies and their advisers.

In addition, it must be pointed out that the Committee was utterly without the facilities necessary for proper functioning. It lacked even so elementary a requirement as secretarial help. The dearth of basic information on homework was a constant handicap. In numerous instances, if there had been a field staff available, it could have been used to gather specific data in connection with particular homework problems which the Committee was called upon to consider. Of course, the offices of the state compliance directors maintained staffs of investigators, but these staffs were usually under-manned and over-worked; they had little time for investigations having no immediate bearing upon their compliance activities. Besides, the kind of information which the Committee needed (regarding, for example, the productivity of homeworkers, the setting of piecework rates to yield a certain minimum hourly rate, actual earnings on the basis of trial rates, time studies, price and quality, etc.) was technical in nature and could be obtained only by specially trained field workers. (**)

(*) It was the function of the Review Division to check all papers as to form -- to see that there were no mechanical faults, and as to substance -- to see that what was being done " was not inconsistent with established policy."

(**) It should be noted however, that in several important instances already mentioned (see also Appendix G) the services of U. S. Department of Labor investigators were utilized in connection with homework problems. But the Department's small field staff was ordinarily too busy with its own work to be used regularly by the NRA.

Some of the Committee's difficulties arose from the code system itself. Codes were looked upon as voluntary agreements, voluntarily submitted by a "truly representative" portion of the industry. Though the Act gave the President power to amend codes by cancelling or modifying "his approval of this Code or any conditions imposed by him upon his approval thereof", the Administration was reluctant to use this power. A proposed code amendment originating with a deputy or one of the boards, for example, was seldom approved without the "assent" of the industry and this was not always freely given. Thus, on one occasion, the Committee informally decided that the lack of uniformity in the homework provisions of a number of codes covering related apparel industries, which was causing administrative confusion and defeating compliance (*), could easily be remedied if a uniform prohibition of homework were written into these codes. The Committee realized, however, that as long as those industries which permitted homework had an advantage to gain from its continuance, they would refuse to consent to any proposal for its prohibition and thus frustrate any recommendation of the Committee to that effect. The dilemma which the Committee faced was that on the one hand, it was not possible to obtain the assent of the affected industries and on the other, that the Administration would not impose the prohibition.

For these reasons and because of certain internal dissension (more personal than official (**)) the usefulness and influence of the Committee dwindled until it was reduced to a merely nominal existence. A few

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(*) For complete details, see Chap. II, no. 24.

(**) Naturally, the labor members of the Committee lined up against homework. The Consumer representative and the member appointed by the Division of Research and Planning believed that homework should continue where necessary (they interpreted "where necessary" liberally), with special emphasis upon improving rates for homeworkers but not to a point that would drive the commodity out of the market by reason of prohibitive price increases. That the Consumer member did not speak the sentiments of the Consumers' Advisory Board is evidenced by the resolution on homework which it adopted. The Division of Research and Planning never adopted an official attitude towards homework. However, the position taken by its representative on the Committee was in every case concurred in by her immediate supervisor. (See Chap. I, p. 5.)

months before the expiration date of the N.I.R.A., the Committee had expected to draft a report recommending model homework provisions for use during an anticipated period of code revision, but in view of the uncertainty which prevailed just prior the Schechter decision, the Committee suspended all its activities.

Had the Committee had the opportunity to continue its work, there is little doubt that it would have gone far towards the accomplishment of a number of purposes for which it was established. It would have further defined standards for the deputies in the treatment of homework problems; all unusual cases for which no precedent had been set the Committee would have handled itself. It would have educated the Deputies to the necessity for adequate information in the handling of homework problems. And finally it would have urged upon the NRA a policy looking towards greater uniformity of code homework provisions. But whether such a policy could have been followed through without basic revision of the code system (at least in its voluntary aspect) is another question.

B. THE EXECUTIVE ORDER ON HOMEWORK

General Background

By May of 1934 some eighty codes had either prohibited homework or provided for its elimination at a stipulated future date. Though no comprehensive figures were available as to the number of homeworkers affected, enough information was at hand to indicate that the prohibition of homework was imposing hardship upon a relatively small group of workers who were unable to work in factories. In this group were the physically disabled and the aged - those in poor health, the crippled, and those who were too old to stand the strain of a full-time job. Altogether, this group constituted not more than ten or twenty percent of the total number of homeworkers. (*)

As the number of codes prohibiting homework increased, protests began to arise from various sources. A few came from homeworkers who had been deprived of their work. Some came from a small group of persons who felt that "it was wrong to take away from these poor people, many of whom are sick and crippled, the only source of livelihood they have. (**) Quick to seize upon the sentimental possibilities in the homework situation as a means of arousing opposition which would ultimately redound to their own benefit, a number of New York City manufacturers in various industries sponsored the establishment of an organization, the Homework Protective League of the United

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(*) A Pennsylvania Department of Labor Bulletin reports that out of a number (the figure is not given) of homeworkers interviewed, more than three-fourths gave economic reasons for doing homework. Personal reasons were also given. "More than one-half of the women worked at home because of family cares -- small children, aged parents, or the illness of some member of the family -- which necessitated their presence in the home even though the home duties left time which they could use to advantage in earning money ... Custom played an important part in the case of this group of homeworkers ... in approximately 10 percent of the homes, the homeworkers were persons incapacitated by reason of physical disability for regular factory work. More than half of this group were persons who were too old to stand the strain of regular jobs, but who had always been accustomed to work and who welcomed the opportunity through homework for occupation as well as for earning." (pp. 10, 11, and 12, Labor and Industry, Vol. XIV, No. 4, April, 1927, "Why Industrial Homework?", Penna. Dept. of Labor.) A New York Department of Labor report based upon interviews with 670 homeworkers states that three main reasons were given by homeworkers for their preferring homework to factory work: "56 percent of the women gave care of children, 20 percent care of home, and 20 percent physical disability or old age." (p. 6, Special Bulletin No. 158, "Some Social and Economic Aspects of Homework," February, 1929, New York State Dept. of Labor.)

(**) The argument was put this way by one individual during a conversation with the writer.

States (*), whose chief purpose was the re-establishment of homework (presumably under some form of regulation) in those codified industries which had eliminated homework or might do so in the future.

It must not be assumed however, that public sentiment in favor of prohibiting homework was lacking. (**) The following, which appeared in J. C. Atchison's well-known column "Washington Looks at Trade," was a typical expression of an opinion held by many:

> "There seems to be a well organized movement on foot to have homework reinstated in codes of fair competition. Already National Recovery officials have been appealed to and others high in official circles have been told that unless homework again became part of our economic life, thousands would remain jobless and without means of support. I might be wrong but I can't see this homework proposition from any angle. There is no necessity for it and certainly under conditions by which industry is now operating, such practices cannot be tolerated. It is an evil that has long existed in our commercial life, and it seems to me that people ought to be duly grateful and thankful that under codes of fair competition it has been possible to wipe out this practice along with sweatshop and child labor. The 'home' should be what the name implies." (***)

Origin of the Order

In March 1934, the Secretary of Labor addressed the Administrator of NRA as follows:

> "I understand that you are having protests on the elimination of homework provisions in some of the codes. Excellent work has been done under the NRA to control homework and I hope it can be continued intelligently.

(*) The New York DAILY NEWS RECORD of February 12, 1934 heralded its birth and described its objective under the headline: "League in Move to Restore Homework." The article continued 'The Homework Protective League of the U.S., sponsored by the National Hand Embroidery Association ... is circularizing employers to aid in combatting the abolition of homework ... The organization will demand reopening of codes in industries where homework has been abolished.'"

(**) Of course, as the issues were defined by NRA experience, public opinion was later more clearly and positively expressed. This will be made clear in the Section dealing with the administration of the Executive Order.

(***) New York DAILY NEWS RECORD, February 23, 1934.

"The Advisory Boards and some of the other persons in the Administrations are in a position to know the serious evils of homework and the benefits to be obtained by the eradication of this method of breaking down industrial standards. The Labor Advisory Board and the Department of Labor will both be helpful with opinions and knowledge on this subject.

"Since the codes have gone into effect, I have watched closely the operation of the homework provisions and so far the response from the States has been most favorable. The homework provisions of the codes ought to be given an opportunity to prove their effectiveness. (*)

"The relatively few cases of individual hardship should be cared for through an executive order setting up some general type of control that is now effective for the substandard worker under many of the codes."(**)

The Secretary's suggestion was transmitted to the Homework Committee, and was more fully explained by the two representatives from the Department of Labor, who had prepared a rough draft of the proposed order. In general, this draft followed the language of the Executive Order on handicapped workers in giving to the Department of Labor primary responsibility for the consideration of applications for exemption from regular code standards (in this case - prohibitions of homework; in the case of handicapped workers - minimum wage provisions). This was to be accomplished by the setting up of national machinery with agencies in each State designated by the Department of Labor which would be authorized to consider applications and grant exemptions in accordance with its instructions. The Committee gave serious consideration to the proposal (which, it should be noted, originated with the Department of Labor) and after some discussion

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(*) This may fairly be construed as a hint that the practice of staying homework provisions before they became operative should be stopped. See Ch. I, p. .

(**) Memorandum to General Johnson from the Secretary of Labor, March 3, 1934 in re: Homework Provisions of the Codes. The Executive Order on substandard workers to which the Secretary referred was No. 6906-F issued on February 17, 1934. It provided mainly that "a person whose earning capacity is limited because of age, physical handicap, or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the state authority, designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate." (7 Codes of Fair Competition 706)

endorsed the proposed order with a single modification. (*) Preparations were made immediately to forward the order to the Administrator for his approval and transmittal to the President.

In recommending that the Administrator approve the Order, the Committee gave this explanation:

> "A relatively small number of men and women accustomed to doing homework are incapacitated for doing factory work by reason of injury, physical defects, certain types of illness, or age, or their services are essential at home in order to care for another person who is bed-ridden or an invalid. In order not to inflict needless hardship or suffering on this group, the Executive Order is proposed permitting such workers to continue to do industrial homework under proper safeguards, such as the payment of the same rate of wages as is paid in the factory, freedom from contagious diseases, etc. For such workers special certificates are to be obtained from State agencies designated and instructed by the United States Department of Labor.
>
> "The Committee is agreed that if provision is made through this Executive Order to care for these difficult cases of persons dependent upon homework for their living, opposition to the present code provisions abolishing homework will be largely eliminated." (**)

The Order and Its Reception

On May 15 the President signed the order and it was issued as follows:

(*) A proviso that where a code covering a food industry prohibited homework, the Order should not apply. In other words, for such industry -- no exceptions. At the time the order was issued, no such food codes had been approved. However, three subsequently came under this clause: The Cocoa and Chocolate Manufacturing Industry Code (June 11, 1934), the Candy Manufacturing Code (June 15, 1934), and the Cigarette, Snuff, Chewing Tobacco Manufacturing Code (February 19, 1935).

(**) Memorandum to General Hugh S. Johnson, Administrator, from the Homework Committee, Subject: Report on a proposed Executive Order to allow homework in certain cases. By some oversight this memorandum written on April 9, 1934, was not dated when sent to the Administrator.

EXECUTIVE ORDER

PRESCRIBING RULES AND REGULATIONS FOR THE INTERPRETATION AND APPLICATION OF CERTAIN LABOR PROVISIONS OF CODES OF FAIR COMPETITION AS THEY MAY AFFECT CERTAIN HOMEWORKERS.

In Codes of Fair Competition heretofore and hereafter approved, which provide for the abolition of homework, the question has arisen or may arise as to whether the abolition of homework has precluded certain persons who are incapactitated for factory work from their former opportunities for obtaining employment.

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act and in order to carry out the purposes and policy of said Title of said Act, and upon due consideration of the facts and upon the report and recommendation of the Administrator.

I, FRANKLIN D. ROOSEVELT, President of the United States, do hereby order that no provision of any Code of Fair Competition heretofore or hereafter approved pursuant to said Title of said Act, shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to-wit:

1. A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.

2. Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the trade or industry or subdivision thereof concerned the name and address of each worker so certificated.

This Order shall become effective immediately and shall be binding upon all trades, industries or subdivision thereof and members thereof subject to Codes of Fair Competition in which homework is prohibited, and, to the extent necessary to permit the full application and operation of the foregoing rules and regulations, shall operate as a condition upon any previous order approving any Code of Fair Competition under Title I of the National Industrial Recovery Act, and shall remain in effect until revoked or modified by my further order or by order of the Administrator for Industrial Recovery; provided, however, that this Order shall not apply to or affect Codes of Fair Competition heretofore

or hereafter approved for food or allied products trades, industries or subdivisions thereof, which contain provisions prohibiting the manufacture and/or processing of food products in homes. (*)

Considering the variety of attitudes towards the problem of industrial homework it was natural that the Executive Order should meet with a varied reception. Some felt the problem had been solved; others feared that the Order was an entering wedge which would lead to the ultimate breakdown of code homework prohibitions. Still others believed that the Order discriminated against those not included, mothers with dependent children, etc.) and urged that the exempted classes be expanded. (**) Thus, one group which had been harassed by the homework problem for a long time wrote to the President: "You have exceedingly obliged the members of the National Flower and Feather Manufacturers Association, Inc., with the declaration of your Executive Order ... The ... Association ... voted ... to send to you (its) expression of great appreciation for solving the industrial homework problem." (***)

Less optimistic was the Men's Garter, Suspender and Belt Manufacturing Industry. According to the view of certain members the President's Order "has wrecked (the) homework provision of the code for this industry."(****) Later those who believed that the Executive Order did not go far enough denounced it as "discriminatory" and "inhumane."(*****)

(*) Executive Order No.6711-A.10 Codes of Fair Competition. Interestingly enough, a somewhat similar method of handling special homework cases in the states was suggested by Professor John R. Commons in 1913. It was his idea "that the bureau of homework inspection (of the state labor Department) deal with individual persons, firms and situations, so that those who could not work in the factory should not be deprived of the support gained from homework; that a committee be appointed by such a bureau ... which could deal with cases of persons desiring to do Homework, as the widely varying conditions of work, workers and localities would appear to demand that the case method be used in dealing with the situation." (See footnote No. 1, p.30, Labor Bulletin No. 101, "Industrial Homework in Massachusetts," 1914, Massachusetts Bureau of Statistics.) The Executive Order on homework used the "case method" but carefully defined the standards by which this method was to be applied.

(**) A number of interesting events that developed from this point are fully discussed in the next Section.

(***) Letter from the National Flower and Feather Manufacturers Association, Inc., June 15, 1934. The Code for the Artificial Flower and Feather Industry provided for the gradual abolition of homework. At the end of three months, the number of homeworkers in the industry was to be reduced by 50%; at the end of seven months, homework was to be entirely eliminated. (For further developments in this industry, see the next Section, especially p.48 et seq.)

(****) p. 6, Summary of Replies to Questionnaires, Group II, Exhibit "D" in Appendix to Confidential Report on Homework (unpublished) to the Executive Secretary of the National Industrial Recovery Board, from the Chairman, NRA Homework Committee, November 5, 1934.

(*****) Cf. See next Section.

Effect of Order on Codes

It will be noted that the order in effect modified all codes which prohibited homework. The National Industrial Recovery Act gave the President power to impose conditions upon an industry with his approval of its code "for the protection of consumers, competitors, employees, and others in furtherance of the public interest, etc."(*) This power, together with the President's authority to "cancel or modify any order" or approval issued under the Act,(**) provided the basis for the modification of approved code provisions by the President, and accounts for the statement in the Executive Order on homework that "This Order ... shall operate as a condition upon any previous order approving any code ... under ... the ... Act."(***)

Briefly stated, the Executive Order applied only to industries under codes which prohibited homework; on all other codes and on food codes prohibiting homework it had no effect. It provided that under certain conditions two general classes of homeworkers could continue to perform homework: (1) the physically handicapped, etc., and (2) those needed at home to care for invalids, etc. The requireements set forth in the Order may be summarized as follows: (1) that the homeworker must obtain a special certificate from the state agency designated by the U. S. Department of Labor; (2) that these certificates were to be issued only in accordance with the instructions of that Department; (3) that all applicants for homework certificates must be free of contagious diseases (in addition to coming within the exempted classes); (4) that rates paid to certified homeworkers must be the same as those paid for the same type of work in the factory, and (5) that the employer must register the names and addresses of his homeworkers with the Code Authority for his industry.

At the time the Executive Order was issued approximately 430 codes had been approved. Of these, 95 codes (or more than 20% of the total) contained homework provisions -- 80 (****) prohibiting homework, the others (through partial prohibition or regulation) permitting it to continue with some limitation or under some control. Figures on the total number of homeworkers in these industries are unfortunately not available. From the fact that in the Knitted Outerwear Industry alone (under a code that did not prohibit homework) there were some 20,000 homeworkers,(*****) it is clear that the number of homeworkers in industries unaffected by the Executive Order was considerable. In the 80 industries under codes prohibiting homework, the Executive Order merely established criteria for exceptions. That the prohibition of homework in those industries was to be the rule to which exceptions might be granted under the order, is a point that must be kept in mind in the discussion that follows.

(*) Section 3(a), Title I of the Act.
(**) Section 10(b).
(***) The ground for this hasty analysis was provided a memorandum from Beverly M. Coleman, Senior Attorney, NRA Legal Division, to O.W. Rosenzweig, Labor Studies Section, Subject: Modification of Codes by Executive Orders, September 26, 1935.
(****) The number later reached a maximum of 96 (See Ch. II, p. 34).
(*****) See Ch. II, p. 34.

Regulation of Excentional Cases

With the issuance of the Order, it was realized by both NRA and Labor Department officials that special effort would have to be exerted to prevent some manufacturers from using the order as a loophole to escape from their code obligations (payment of minimum wages, observance of maximum hours, compliance with prohibition of homework, etc.) Thus, it was necessary that the whole process of granting exemptions to code prohibitions of homework should be closely supervised and regulated. In a sense, the machinery set up pursuant to the Executive Order and the instructions issued thereunder by the Department of Labor may be considered as the first nation-wide attempt to regulate industrial homework in this country. (*) Not all homework, because some codes expressly allowed it and the Order and the regulations under it did not apply to these industries, but only that portion of industrial homework which was permitted to continue under the terms of the Order. Again, it must be remembered that regulation was not the primary object; regulation was important only insofar as it was necessary to safeguard code standards against indiscriminate granting of exemptions. Nevertheless, for the first time uniform standards of control were established for all States, and for all those industries to which the Executive Order applied. The results of this effort shed light upon the controversial question "Is regulation of industrial homework possible?"

While it is not our purpose here to inquire into the nature of regulation, it may be well to consider a few of the more important aspects of the problem in order to understand clearly the full import of the Executive Order. Generally speaking, a plan to regulate industrial homework must provide for (1) the control of hours and wages; (2) the elimination of child labor; (3) the maintenance of high standards of sanitation and health; (4) regular inspection to check compliance, and (5) the keeping of accurate registers (names and addresses) of homeworkers.

The instructions issued by the Department of Labor in June and July of 1934 (**) covered all these points and others. The application for a homework certificate (to be made out by both homeworker and employer) required the employer to supply information concerning the unit of work, the time required per unit of work, the number of units to be given out, and the time to be allowed for the return of this work by the worker. This information, it was expected, would serve as a basis for checking compliance with the rule that the "number of units of work should not be more than can be completed by the certificated worker in the code hours." Further, it was provided that the "certificate shall state the amount of work which may be given out to the named employee during a specified period." To avoid the common practice of homework employers of making the homeworker wait around the shop or office for the work,

(*) The experience of certain individual industries in the regulation of homework directly under their respective codes has been considered in Chap. II.

(**) Mimeographed "Instructions for Issuance of Certificates Permitting Homework in Special Cases under N.R.A. Codes, under Executive Order of May 15, 1934," June 1, 1934, Secretary's Committee on Minimum Wage, U.S. Department of Labor. All references and quotations in the text are to or from this source unless otherwise indicated. A supplementary instruction sheet concerning interstate matters was issued on July 5, 1934.

or of making the homeworker travel a long distance to get the work,(*) the instructions required that "the employer must certify ... that all material and findings will be furnished, delivered, and returned without expense to or assistance by the worker." By these means it was intended to eliminate the possibility of the homeworker's putting in more hours in total than the maximum number permitted by the code for the particular industry in which the homeworker was engaged.

With respect to wages, the instructions reaffirmed the standard already contained in the Executive Order, namely, that homeworkers should be paid "at the same rate of wages as is paid for the same type of work performed in the factory."(**) Many studies had shown that while the earnings of homeworkers were extremely low in the first place, they were depressed still further by the prevalent practice of employers making deductions for lost or spoiled materials, etc. Thus, if the work was not done exactly according to specifications, the homeworker lost pay for the time spent or was required to do the work over without extra compensation. Often the homeworkers paid transportation charges incurred in calling for the work and delivering it. Ordinarily, thirty or forty cents a week car-fare does not seem very much but out of a weekly income ranging from $3.00 to $5.00, it is a considerable sum. To eliminate such practices the instructions specified that not only must employers be responsible for the transportation of work materials, but also "the employer must certify ... that no deductions will be made for spoilage or for imperfect work." Obviously, this was necessary in order to keep homeworkers' earnings from falling below the minimum wage levels of codes. As an aid to checking compliance, the application for a homework certificate required the employer to state what amount he was going to pay per unit of work, what was the unit (dozen, gross, etc.), how much time it took to do one unit, etc. State agencies were instructed by the Department of Labor to check the employer's estimate of time required per unit by computation of the earnings possible during the period covered by the maximum hours permitted in the code. And "if these estimated earnings are in excess of the code minimum wage the employer's estimate of the time required per unit should be questioned and the facts established, as few can earn more than

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(*) See p.185,Appendix G.

(**) An important point should be noted here: It was contemplated that due to the code prohibition of homework (under which the regulations of the Executive Order were effective) the major portion of homework in the industry under such code would end and the work would be brought into factories and shops. Thus, there would be set up a yard-stick by means of which proper rates to homeworkers could be determined. This point will be adverted to again.

the minimum wage in the hours permitted by the code."(*)

Though child labor was nowhere specifically mentioned in by the Department of Labor instructions, the requirement that "the worker must certify that no part of the work assigned to him will be performed by any other person" was aimed at this practice. Since this was one of the conditions upon which the homework certificate was to be granted, if it was violated, i.e., if the person to whom the certificate was granted should employ the assistance of children (or others), the certificate could be revoked. (**)

The instructions repeated the requirement in the Executive Order that the applicant for a certificate must be free of contagious disease. This was a matter that could be checked with the assistance of local boards of health. The question of whether to require a medical certificate signed by a public health physician verifying physical incapacity was left entirely to the discretion of the issuing officers.

The instructions directed that "the State Authority should verify by investigation the statments made in the application to determine whether an exemption permitting homework is justified under the Executive Order."

(*) A hypothetical illustration may serve to clarify this point: let us take an instance in which the code minimum wage is $12.00 per week; the maximum number of hours is 40. If the average homeworker can do two unites per hour, the rate per unit should be at least 15¢ so that the worker can make the $12.00 per week or better. Suppose the employer using a "pace-setter" or very fast worker as a basis, estimated that only twenty minutes (instead of thirty) were required to turn out one unit. According to the employer then that homeworker can do three units in an hour and since thirty cents is the hourly minimum, the employer would (by his own figures) have to pay only ten cents per unit. As the average homeworker can do only two units per hour, at the ten cents per unit rate, he would earn only $8.00 per week or $4.00 less than the code minimum. Suppose further that the employer who in computing rates for homeworkers invariably allows less time for a piece of work that it actually takes) estimated that it took only fifteen minutes to do one unit of work (four in one hour) and expressed a willingness to pay ten cents per unit which according to his estimate of time would enable the homeworker to earn forty cents per hour or $16.00 for a week of forty hours. This would be -- on paper, at least -- $4.00 per week above the code minimum. It is plain to see why the Department of Labor was suspicious of a situation where the estimated earnings were in excess of the code minimum wage.

(**) On this point see statement of MR. W. S. Fitzgerald, Deputy Commissioner of Labor, Connecticut, Next Section.

The state agencies were urged to make "periodical re-investigation... to determine whether the conditions of each case warranted the continuance of homework." They were instructed further to determine by reference to the employer's payrolls and production records "whether the piecework rate which the employer agrees to pay is, in fact, the rate paid for the same work performed in the factory."

The instructions further provided that copies of the certificates granted should be kept on file in the office of the Code Authority and in the office of the issuing agent. The importance of this may be seen from the fact that often fictitious names or the names of very small children are sent to the manufacturers by homeworkers so that they may be given more work and thus have an opportunity to increase their earnings.(*) Obviously, such a practice makes impossible the keeping of accurate records as to the number of homeworkers.

In addition to those indicated above, the Department of Labor instructions touched upon several other points. They defined more clearly the exact coverage of the Executive Order. The Order had declared that its terms "shall be binding upon all trades, industries...and members thereof subject to Codes...in which homework is prohibited." However, a number of codes provided for a partial prohibition of homework.(**) The Cotton Garment Code, for example, prohibited sewing-machine work at home.(***) Exceptions to this rule were allowed for aprocess known in the trade as "turning collars" provided the collars were given "a laundry wash in the factory before shipping." "Homework on hand embroidery, which is incidental to the manufacture of cotton garments," was specifically permitted by the code. In view of several instances such

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(*) "In order to secure enough work to keep themselves regularly employed, women were receiving work under four or five names from as many different firms. Neighbors, friends, relatives and even a three-year old child were receiving consignments from New York firms, which were turned over to the actual homeworker. One mother stated 'I play a little trick on the company, I send in the names of my two children as well as my own. By the time I finish Agnes'(age 13) package and send it off, Grace's (age 10) is here. When Grace's is finished, mine is here.'" "A Study of Industrial Homework, etc." Chap. I, p. 5 , n. 1, supra, p.30.

(**) See Chapter II, p. 34

(***) Cotton Garment Code, Article VIII.

as this, the Department of Labor ruled that "the Executive Order... applies to codes...which contain in provision prohiting homework in the industry or in part of the industry."

The Department's instructions re-stated the exempted classes as follows: "Certificates are to be issued only if and when one or more of the following conditions exist:

(a) "The homeworker is suffering from a physical defect, injury or illness not of a contagious nature which physically incapacitates such homeworker for work in a factory or other regular place of business;

(b) "The homeworker's services are absolutely essential at home to care for another person who is either bed-ridden or an invalid and neither person is suffering from a contagious disease;

(c) "The homeworker was accustomed to this method of earning a living before the Code prohibition went into effect and is too old to be able to make an adjustment to factory routine."

It will be recalled that the Executive Order listed only two exemptions classes; the instructions included what seem to be three groups. On this account some question was raised as to the legality of the instructions. The argument was that while the Order empowered the Department to issue instructions, covering the distribution of certificates, it gave it no authority to amend the Order, which the Department had done by adding a third group for exemption.

As a matter of fact, quite apart from any legal points that may have been involved, the Department of Labor was not anxious to expand the exempted classes. "The exemption is intended only to care for these cases of special hardship," the instructions stated. And further, "if other reasons were admissible--such as alleged necessity for mothers to combine work with care of children and household--there would be no limit to the applications for exemptions, and the code prohibitions would be nullified. The question of permitting mothers with dependent children to do industrial homework under the Executive Order arose later on several occasions, and was the subject of important litigation.

Concerning the third class listed in the instructions, this further observation should be made: Although the form in which the requirements were stated did not clearly show it, the requirement that the worker applying for a homework certificate must have been previously engaged in industrial homework, was not limited to class (c) of the instructions, but applied to the other groups as well. The opening paragraph of the Executive Order referred to "the question...whether the abolition of homework has precluded certain persons who are incapacitated for factory work from their former opportunities for obtaining employment." (Underscoring supplied.) This suggest that it was the intention of the Order to relax code prohibitions of homework only in favor of those formerly engaged in industrial homework. Such a construction was necessary in order to prevent the possibility of a manufacturer's recruiting new homeworkers and

thus prepetuating the homework system in an industry which had abolished it by code agreement.

A few minor points in the instructions remain to be mentioned before a discussion of the administration of the Executive Order is begun. They are as follows:: (1) The Department of Labor did not consider any "able-bodied person under 50" as "too old... to make an adjustment to factory routine", (2) No limit was set to the number of certificates which might be issued to the homeworkers of any one employer or to the homeworkers in any given industry (*). The State issuing officers were urged to exercise "special caution to prevent fraud... if a large number of applications are received from any one firm", (3) Certificates could be revoked if (a) the original reasons for granting the certificate no longer existed, or (b) any of the conditions upon which the certificate was issued were being violated.

(*) The Department of Labor instructions issued pursuant to the Executive Order on handicapped workers (No. 6606-F, February 7, 1934) limited the number of substandard workers to "five per cent of the working force of any establishment; usually one to two per cent of the working force is sufficient."

C. ADMINISTRATION OF THE EXECUTIVE ORDER

Introduction

The machinery for the handling of applications and for the issuance of permits or certificates was outlined in the Order itself, which provided that the certificates were to be obtained from "the State authority or other officer designated by the U.S. Department of Labor." Acting under this clause, the Secretary of Labor named the State agencies to administer the terms of the Order. Wherever possible State labor department officials were selected; otherwise NRA compliance officers for the State.(*).

Broadly speaking, two types of problems, administrative and legal, arose during NRA's experience with the attempt to regulate that portion of homework which was permitted to continue under the Executive Order. The former type centered mainly about the terms of the Executive Order and of the regulations prescribed thereunder by the U.S. Department of Labor. The latter involved a conflict of jurisdiction between state laws and code provisions and the Executive Order. In some important instances the two merged and administrative difficulties led to litigation.

One of the first questions to present itself during the administration of the Executive Order was whether women with children were not discriminated against by reason of their exclusion from the exempted classes listed in the Order. "Where was the logic," it was asked, "in permitting a woman to continue doing homework if she had to stay at home and care for an invalid adult or a crippled child, but not if she had to care for a nursing infant, for example, or even a small, normal child?"

This question had been discussed by the NRA Homework Committee before the Executive Order was issued. It was suggested by a member of the Committee that another class, "women with two or more children under school age, whose husbands were unemployed," be added to the exempted groups already agreed upon, or if this was too wide that it be slightly restricted to read "widows with two or more children under school age." Further consideration made it clear, however, that to make the husband's lack of employment a condition upon which the granting of a homework permit should depend would be to multiply tremendously administrative and enforcement difficulties. If women whose husbands were unemployed could continue doing homework, what about women whose husbands were employed at earnings below the level of subsistence? And if widows were permitted to continue working at home then why not women whose husbands had deserted them or whose husbands were idle? Obviously, no matter where the line was ultimately drawn, someone or some group of persons just outside the line would be provided with an opportunity to claim unjust discrimination.

(*) In 35 states labor department officials were chosen; in 13 states, NRA Compliance Directors were named. See list of "State Authorities Designated by the U.S. Department of Labor to Issue Certificates to Homeworkers and Handicapped Workers," issued by the U.S. Department of Labor, November 17, 1934. (Mimeographed, No. 114.)

The case for women with children was ably stated in the following letter from a homeworker. (At this point a note of caution must be sounded. Many letters from homeworkers were prompted, and some were written by employers. Nevertheless, viewed even with the necessary skepticism, this letter offers a concise statement which carries its own weight regardless of authorship): (*)

Dear Sir:

I am a widow with two growing children to support. By not being able to do work home will soon I cannot look after my children properly. They will not have warm meals and nourishing food that is very necessary for their health and growth because I am not home to prepare them. Not being there they will hurry through their meals and sometimes not even bother to eat at all causing them to become ill and necessitating my remaining home to care for them. If were home I could work even though they were sick.

It allows me to keep my home clean, neat and cheerful providing a place for them to bring their friends and companions, thereby keeping them off the streets and out of trouble.

I can also do more work because I have the satisfaction of knowing my children are having the care and protection a mother can give them when she does not have to go out to work early in the morning and return late at night.

My case is similar to hundreds of other mothers who are trying to keep a home, support themselves and their children and bring them up as only a mother who is at home all day can do.

I trust you will take our cause into consideration so that we may be able to work at home.

Very truly yours,

Mrs. A------ J------
---------- Street
Green Island, N.Y.

The Homework Protective League(**)

The failure to include women with dependent children in the classes exempted by the Executive Order became the focal point of the attack of the Homework Protective League upon the abolition of homework in codes. Beginning in February, 1934, and continuing throughout the life

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(*) This letter was addressed to Mr. Sol Rosenblatt, NRA Division Administrator. Though it was not dated, the letter was received at NRA some time in May, 1934.

(**) See above, p. 64, of Section D on "The Executive Order, etc."

of NRA, this organization, through its attorney, Mr. Julius W. Hochfelder, engaged in an unceasing warfare against code homework prohibitions, with funds contributed mostly by manufacturers (*), and, partly by sympathizers---"those who are kindly disposed to the work we are doing," in the words of the counsel for the League. "They contribute to pay for . . . work in behalf of a principle -- justice to those poor women," said he.(**) Publicity and a heavy barrage of telegrams and letters to the White House and NRA officials, constituted the League's most powerful weapons. (***)

(*) A letter from the Acting Chairman of the Code Authority of the Artificial Flower and Feather Industry, dated August 24, 1934, addressed to the Chairman of the NRA Homework Committee, stated: "I am enclosing herewith some reports by our Inspectors and an affidavit by Mrs. Kathryn S. Budd, which speak for themselves. These refer to the subject of homework and indicate clearly that Mr. Julius Hochfelder, who acted as the attorney for the Homework Protective League of the United States, was paid and retained professionally, not by employees, but by employers of the Artificial Flower and Feather Industry." The New York EVENING POST of July 19, 1934, described Mr. Hochfelder as "attorney for the Artificial flower interests...several concerns dealing in home-made artificial flowers, feathers and other ornaments." The same newspaper of Jan. 22, 1935, told that "The 'dual role' of Major Julius Hochfelder is representative both of the 'Homeworkers' Protective League' and the employers" was denounced by the Labor Conference for the Abolition of Industrial Home Work "which includes representatives of the International Ladies' Garment Workers' Union and the Amalgamated Clothing Workers of America." For more detailed information regarding the Homework Protective League and its counsel, Mr. Hochfelder, see "The Rosenberg Report," Appendix C.

(**) New York Herald Tribune, May 15, 1934.

(***) This is not, of course, a study of the Homework Protective League. If it were, a more complete catalogue of the League's activities would have to be listed, for example: the conferences with New York City manufacturers at which, it appears, agents of the League advised industry members to ignore code prohibitions of homework (see p.____of "The Rosenberg Report," Appendix C.); the unsuccessful efforts of the President of the League to convert to her cause certain influential women's clubs (a resolution condemning NRA's homework policy as "unwise" was submitted by Dr. Hochfelder to the New York City Federation of Women's Clubs but it was not adopted; for an interesting "situation" that developed with respect to Dr. Hochfelder's efforts to have various organizations endorse the purposes of the League, the reader is referred to the correspondence in Appendix D), etc. There is no evidence that the officers (other than the president and the counsel) of the League were ever active, or that they met with the homeworkers whom they purported to represent.

The Budd Case

The setting for the League's first major encounter with the NRA was the Artificial Flower and Feather Industry, for many years one of the major homework industries in the country. (*). The industry is largely concentrated in New York City, and half of its employees or more are homeworkers. (**). Seeing in the NRA an opportunity to eliminate homework, the industry through its representatives agreed to put into the code a provision prohibiting it. The Code was approved on September 18, 1933, and became effective one week later. It provided that:

> "No homework shall be permitted after May 1, 1934. After January 1, 1934, no employer shall employ more than fifty percent (50%) of the number of homeworkers employed by him as of September 1, 1933." (***).

Thus, the elimination of homework in this industry was to be a gradual process, seven months being allowed for manufacturers to adjust to factory production and for homeworkers to find factory employment.

Shortly after the complete prohibition of homework went into effect in this industry, the Homework Protective League selected as a test case, a Mrs. Kathryn Budd of Brooklyn, N. Y. It was alleged that if the code provisions prohibiting homework were enforced, Mrs. Budd's "two little girls will be forced into an institution and herself reduced to a pittance." (****). The New York HERALD TRIBUNE was not satisfied to take the word of the Leagues spokesmen; its reporters interviewed Mrs. Budd herself who made the following statement:

> "Late in March I went to Albany with Mrs. Hochfelder (Anna W. Hochfelder, President of the League) to protest to Governor Lehman about the loss of homework to the many women doing it. He said it was Federal Law, the N.R.A., and could do nothing for us. I didn't know much what it was all about, but I am glad to help out those less fortunate than I.
>
> "I don't know why they came to use me in this case," she said. "It seems to me they would do more to enlist public sympathy if they went to some poorer person." (*****).

(*) See Mary Van Kleeck's, "The Artificial Flower Makers," 1913 New York Survey Associates, (Russel Sage Foundation Publication).

(**) The exact number of homeworkers in this industry is not known; no exhaustive survey has ever been made. This proportion must be inferred from statements made by members of the industry at code hearings and elsewhere. At any rate, in 1913, Mary Van Kleeck op.cit.p. 90) estimated that in New York City, which was then even more than now the center of the Industry, more than half of the industry was carried on in tenement homes.

(***) Art. VIII, Sec. 1.

(****) Story by Ass. Press, New York, reprinted in the Wash. STAR, May 14, 1934.

(*****) New York HERALD TRIBUNE, May 15, 1934.

When questioned about . . . the league", the news article continued, "she said she didn't think she was a member of it, and was unable to recall having heard the name before." Another interesting fact revealed by Mrs. Budd was that "on the Albany trip all expenses were paid . . .She went at the request of her employer . . ."

Briefly, Mrs. Budd and her sponsors, the Homework Protective League and a number of manufacturers (*), sued for a federal injunction to restrain the State NRA Compliance Director and the U. S. District Attorney from enforcing the homework prohibition of the Artificial Flower and Feather Code and others. After several postponements requested, by the plaintiffs, during which the prohibition was partially modified by Executive Order No. 8711-A, June 15, 1934, Federal Judge Coxe denied the application for injunctive relief and dismissed the bill of complaint. (**)

Though the proceedings were reopened before another judge, practically, this effort to restrain enforcement of homework prohibitions was temporarily laid aside while the New York Homework Law centered its attack upon another front.

On May 28, 1934, Governor Lehman of New York signed the Neustein-O'Brien law (***), which was an amendment to the Labor Law of the State, and became effective on July 1, 1934. (It did not apply to one-or two - family houses in towns having a population less than 200,000 (****)). By its terms the Industrial Commissioner of the State Department of Labor was empowered to issue certificates or licenses to homeworkers, and permits to employers upon payment of annual fee of $25 . Owners of houses where homework was done were also required to obtain licenses. These houses as well as the residents were required to be free from contagious disease, and the house "and the articles in process of manufacture there" to be clean and sanitary, and each working room to be well lighted and ventilated.

(*) See New York Daily News Record, July 2, 1934, for list of plaintiffs.

(**) Budd et al. v. Strauss et al., D.C.S.D.N.Y., No. 78-129, June 27, 1934.

(***) See Article 13 of the Labor Law of 1954, governing industrial homework.

(****) Thus, the law had practically no effect upon homework in the Glove Industry concentrated in a number of small towns in Fulton County.

The home owner was required (1) to prevent the use of his house for industrial homework at any time when it was not clean and sanitary and free from contagious disease, (2) to keep a complete and accurate register of all persons engaged in industrial homework in his house, and (3) to prevent industrial homework in his house except in accordance with the individual homeworker's certificate. The employer was required (1) to determine from the Commissioner whether any house to which he proposed to send homework was licensed, (2) to keep a register of homeworkers employed and (3) to attach to all articles or materials given out labels bearing his name and business address. Provision was made for periodic investigation of every house in which industrial homework was permitted. No restrictions were placed upon who might petition for a homeworker's permit, the law reading, "Any person may apply to the Commissioner for an industrial homeworker's certificate." This, it will be noted, was quite different from the terms of the Executive Order, which carefully defined and limited the classes of persons eligible to apply for homework permits.

Executive Order vs. State Law

Obviously, the Feustein-O'Brien law was designed to permit the continuance of industrial homework in the State of New York under a few restrictions; it was an instance of State regulation of homework. On the other hand, a considerable number of NRA codes covering industries in New York prohibited homework, with a limited number of exceptions permitted by Executive Order. Under both State law and Executive Order the State industrial commissioner was authorized to issue the homework certificates. The State law permitted any prospective homeworker to apply for a certificate. The Executive Order excepted from code prohibitions two carefully defined classes of persons, and only those who came within these exempted classes were considered eligible for homework certificates. By which set of standards was the industrial commissioner to be guided? What rule was to govern if an applicant who did not come within either of the classes excepted in the Executive Order applied for a State license to do work for a manufacturer under a code prohibiting homework? Essentially, the problem involved a conflict between state law and federal law as contained in codes and in the Executive Order.

As the next step in its campaign, the Homework Protective League maneuvered into concrete existence just such a dilema. It was well, however, that the issue was forced; the net result was a clarification of the entire problem. The League's first move was to obtain an order requiring the New York Industrial Commissioner to show cause why a writ of mandamus should not be issued compelling him to grant a license to the same Mrs. Kathryn Budd to continue making artificial flowers in her home. The affidavit on the basis of which the order was obtained charged that "Department of Labor and N.R.A. officials refused to issue her a permit to do homework because 'Mrs. Budd's handicaps are not such as are set forth in the 'Executive Order' of the President of the United States and that construing literally the said 'Executive Order' Mrs. Budd is a person not permitted to do homework.'" (*)

(*) Philadelphia RECORD, July 10, 1934.

A short while later, the Commissioner acting under the new State law granted a permit to Mrs. Budd. This was described as "the first license to be issued under the new law which was signed by Governor Lehman on May, 26." (*) It appears that Mrs. Budd's attorney (who was also attorney for the Homework Protective League) had sued for the writ of mandamus before he had given the Commissioner an opportunity to act voluntarily. (**) "In announcing that the license had been granted, the (State) Labor Department declared it had merely gone through routine procedure and that the legal move had been made before any application had been filed." (***)

On this occasion, it was announced that Mrs. Budd had "won a complete victory . . . when Attorney-General John J. Bennett, Jr., ruled that the State industrial law regulating persons in her circumstances were applicable, rather than the provisions of the W.P.A. . .Attorney-General Bennett's decision ended an embarrassing situation for W.P.A. officials and established a precedent for thousands of mothers who have been working in their homes to support their children." (****) The Washington HERALD declared that "Attorney-General John J. Bennett, Jr., ruled that the (WPA) rule prohibiting homework in this State (New York) by mothers was unconstitutional." (*****)

That this was a gross misrepresentation of the actual circumstances is evident from the fact that when the Homework Protective League first filed suit against the Industrial Commissioner to force the issuance of a homework permit to Mrs. Budd, State Attorney General Bennett ordered that a vigorous defense be made. (******) When the permit was issued in the routine manner under the state law, the mandamus action against the Commissioner was withdrawn. However, in order to clear up a number of uncertainties which had arisen the Industrial Commissioner addressed a letter to the Attorney General of New York (*******) presenting the problem and requesting a legal opinion.

(*) Washington TIMES, July 20, 1954.

(**) Ibid.

(***) Ibid.

(****) New York EVENING SUN, July 18, 1954.

(*****) July 20, 1954.

(******) Confidential Memorandum to General Hugh S. Johnson from James Cone, Re: Mrs. Katheryn Budd, New York Homeworker, Aug. 3,1954. See also p. 169 of "The Rosenberg Report", Appendix C.

(*******) August 6, 1954.

"The problem arises out of dual responsibilities laid upon this Department by the terms of (1) the Shachno Act (*) (Chap. 791 of the Laws of New York; effective August 23, 1933) and (2) the recently revised homework law, Article XIII of the Labor Law, which became effective July 1, 1934," the Commissioner wrote. In explanation of the new state homework law and the social and economic aspects of industrial homework, the Commissioner said:

> "May I remind you that the present homework law is not a venture into a new field of control but merely the most recent revision of a long series of measures designed to give the Department power to deal with the outstanding evils of this iniquitous system. The first New York State homework law was passed in 1896. It was aimed against the sweat shop of its day. It sought to prevent the use of crowded tenement buildings to turn out cheap manufactured goods that could compete on ruinous terms with the factory product then being produced. The reports on the basis of which support for the early measures was built up deal with some of the same problems and evils that trouble us today; the work of young children on industrial products in their homes at times when they should be playing or sleeping; the unregulated work of women; the shockingly low wages which you will find duplicated in the appended report issued in support of last winter's bill as introduced. This recent report shows that fifteen cents an hour is an almost startlingly high wage rate for a homeworker, that five cents per hour is a very common one, that even two and three cent rates have been paid, as admitted by the manufacturers.
>
> "For nearly fifty years its predecessors as well as the present Labor Department have been actively opposed to a system that permits of such exploitation, recognizing that home, as in the relation to other work conditions, the public interest of the State requires that the health and safety of its citizens be protected for its own well-being against situations that destroy them.
>
> "Therefore, it appears that the present position and policy of the Department must reasonably be expected to be in conformity with this long standing precedent -- one of using every means placed at its disposal to eradicate the well-known evils of homework and to extend the field of its control over such forms of it as were permitted to continue."

(*) The Shachno Act was the state "enabling law." It provided that the filing with the Secretary of State of a Code of Fair Competition, adopted pursuant to the National Industrial Recovery Act established the Code provisions as "the standard of fair competition for such trade or industry or sub-division thereof in the State as to transactions intra-state in character...."

In summary, the Commissioner reviewed these facts: (1) On May 15, 1934, the President signed an Executive Order permitting certain exceptions to the provisions of the Code prohibitions of homework upon compliance with certain conditions enumerated in the Order; (2) under the provisions of the Schackno Act, the filing of the Executive Order with the Secretary of State had the same effect as the filing of a Code; and (3) under the Executive Order, the United States Department of Labor had authorized the Industrial Commissioner of New York to issue homework certificates in accord with the provisions of the President's Executive Order. The letter closed with the following statement of the problem:

> "The question has arisen as to whether or not an applicant for a state license under the state law is entitled to receive such a license in compliance with the provisions of the State law when the applicant is a member of an industry in which homework is prohibited by Code provisions and the applicant does not comply with the conditions contained in the President's Executive Order of May 15th. I shall be glad to receive an official opinion from your office on this question."

On August 9, 1934, the Attorney General replied in part as follows: "The public policy of the State is found in Chapter 781, Laws 1933, (the Schackno Act) to be one of cooperation in effectuating the purposes of the National Recovery Act and Industrial Codes. That public policy is not repealed by the enactment of Article XIII of the Labor Law (*) . . .It is not for the State to adopt a course designed to defeat the effect of the code provisions ..... You are therefore advised that licenses for industrial homework, when prohibited by codes of fair competition duly filed . . . should not be issued under Article XIII of the State Labor Law."

Attacks Upon Executive Order

Meanwhile, the Homework Protective League was not contented with what the press had described as a "victory". (**) It desired to achieve the same result under the Executive Order. In other words, if the League could not obtain a special homework certificate for Mrs. Budd under the Order because she did not qualify as a member of the exempted classes, it would address its efforts towards securing an amendment to the Order which would include Mrs. Budd and others similarly situated. Accordingly, On July 23, 1934, Dr. Anna W. Hochfelder, president of the League addressed the following radiogram to President Roosevelt aboard the U.S.S. HOUSTON in the Pacific:

> "Homeworkers Protective League besieged by mothers with dependent children deprived from earning livelihood because

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(*) The Feustein - O'Brien law. See above

(**) That is, the granting of a permit to Mrs. Budd under the State homework law.

NRA prohibition against industrial homework. New York Labor Law permits homework. These mothers petition Your Excellency amend Executive Order May 15 include them in permissive class. They feel certain failure to include them was unintentional omission." (*)

The wire was shunted to the White House and from there referred to the NRA for reply. The following letter was drafted by the Chairman of the NRA Homework Committee, approved by the Administrator and sent out by one of the White House secretariat over his signature:

July 23, 1934.

Dr. Anna W. Hochfelder, President,
Homework Protective League of U.S.,
10 West 40th Street,
New York City, N.Y.

Dear Dr. Hochfelder,

This is to acknowledge receipt of your telegram of recent date on the subject of the Executive Order dealing with homework.

Before the Executive Order was issued on May 15th, many Codes of Fair Competition had abolished homework by agreement among representative manufacturers with the National Recovery Administration. It was not the intention of the Executive Order to continue homework but merely to relax the prohibitive provisions in order to provide for the more difficult cases.

Had the class to which your telegram refers been included, this would -- in effect -- have weakened code prohibitions to a point where the purpose for which they were designed would be defeated.

Very truly yours,

This letter, it seems, was the signal for a renewed vigor and a heightened zeal on the part of the Homework Protective League. The following story was given out to the press and it appeared in the Carbondale, Illinois FREE PRESS on July 31, 1934 under the headline "Mother Denied Right to Work by President". The news article is here reproduced in its entirety so that the reader may note the manner in which an emphasis upon half-truths the subject of homework was used for propaganda purposes:

(*) Fully appreciating the dramatic if not spectacular quality of this move, the League -- it appears -- lost no time in informing the press of Dr. Hochfelder's message to the President. See New York TIMES, July 24, 1934.

New York, July 30 - In her humble Brooklyn home today, Mrs. Katherine Budd, a mother with two small children to support, was informed that President Roosevelt had turned down her plea for permission to work in her home making artificial flowers because "the purposes of NRA codes would be defeated."

Some three weeks ago Nathan Strauss, Jr., the code enforcer in New York, heard to his horror that the state had issued a labor permit to Mrs. Budd, who has supported herself and her children by making flowers since she was deserted by her husband three years ago. Mr. Strauss immediately ordered the permit revoked. Pointing out that the NRA did not allow homework in the case of mothers with dependent children.

Attorney Julius W. Hochfelder, attorney for the Home Workers' Protective League, outlined Mrs. Budd's plight in a radiogram to President Roosevelt. The chief executive's reply, transmitted through his White House Secretary, Marvin H. McIntyre, was received today.

"Before the executive order (banning mothers with dependent children from home work) was issued, many codes of fair competition had abolished homework by agreement among representative manufacturers with the NRA", the missive said. "Had the class to which you refer been exempted from the prohibition against homework, it would -- in effect -- have weakened code prohibitions to the point where the purposes for which they were designed would be defeated."

Mrs. Budd had entertained high hopes that the president's sympathy would be enlisted in her behalf and the reply was a cruel disappointment to her.

"What harm can it do anyone if I work in my room and make a few dollars a week to keep a home together for my children"? she asked bitterly today.

The Chicago TRIBUNE of August 1, 1934, was more original. On its front page there appeared a cartoon entitled "Cracking Down". It depicted a huge Brain Truster in cap and gown swinging a massive club tagged "NRA Prohibitions" at a small, helpless woman seated at a table making artificial flowers. Behind her skirts two children crouched in terror. The caption read: "New York: - Mrs. Kathryn Budd a mother with two children to support, was informed that President Roosevelt had turned down her plea for permission to work in her home making artificial flowers because 'The purposes of NRA Codes would be defeated'." Speaking at the Century of Progress, the Administrator of NRA commented upon the TRIBUNE'S attack as follows:

"The whole vast humanitarian surges for the elimination of the sweatshops and child labor are perverted in such a cartoon as appeared in yesterday's TRIBUNE, which advertises

a non-existent situation to become stark [illegible] for the return of both sweatshops and child labor." (*)

The [illegible] replied in language marked by extreme vituperation and a somewhat hysterical distortion of fact:

> "This case (the Budd case) has all the elements to make it an example of the blunders of the professoriat, of the grand and petty dictators and the mechanical morons in Washington. Naturally it has achieved prominence and when General Johnson in Chicago again turned to blasting his opposition, press and other, he tried to justify the acts of the bureaucratic robots. . . .Mr. Roosevelt in effect has signed a fugitive slave warrant. Mrs Budd had escaped. Gen. Johnson damns citizens who tried to help her. The old law made it treason to refuse to help catch the escaped slave. Is that the General's next proposal?" (**)

At this stage of the narrative, industrial homework and the NRA entered politics and became a local issue in the 20th District of Illinois 1934 congressional campaign. Mr. Warren E. Wright, Republican candidate, criticized the NRA "as having strangled initiative". He said:

> "Over in the small village of Murrayville in this county where I was born and raised, a little girl takes from her mother's kitchen the discarded bright tin cans that fruit and vegetables come in. By the use of a pair of shears and some bright colored tissue paper she makes these cans into flower pots filled with beautiful tin and paper foliage.
>
> "Their beauty has attracted many tourists and she has sold them to people from far and near for a very small sum. These few dimes gleaned from her labors has been spent for an occasional dress for herself or a shirt for her smaller brother.
>
> "Just recently by an executive order of the President a similar project in which a mother (Mrs. Budd in New York) desired to support her two children in her home, was stopped because of the NRA. She now will be obliged to go on relief; she didn't want to do that but is forced into it.

(*) TIME, August 13, 1934. The cartoon was reproduced in this issue.

(**) "Bureaucratic Robots and American Citizens", Editorial in the [illegible] TRIBUNE, August 4, 1934. Viewed in the light of available [illegible], the statement about the President's having signed "a fugitive slave warrant" obviously has no meaning whatsoever.

"When the initiative of the little Murrayville girl has been called to the attention of the state NRA enforcer, no doubt she also will be obliged to discontinue her labors and will be deprived of the few pennies she now earns." (*)

Clearly, this statement was based upon a failure to distinguish between industrial homework in which the homeworker is an employee, a wage earner in an industry, and work at home which results in the production of articles that are sold by the homeworker as a private entrepreneur. (**) It already has been pointed out that a clause in the National Industrial Recovery Act exempted from the application of any code or regulation under the Act, home manufacturing which involved the sale of home-made products by those who made them. Code prohibitions of industrial homework were aimed at a system of industrial exploitation; the clause in the Act specifically safeguarded the right and initiative of homeworkers who wished to go into business for themselves by selling the products of their own labor. It seems that the candidate's fears about "the initiative of the little Murrayville girl" were not particularly well founded.

Apparently not satisfied with such results as may have attended its previous efforts, the Homework Protective League on August 13, addressed a telegram to the President which described the Executive Order as "discriminatory", "inhumane", and "unconstitutional because it attempts to assume dictatorial powers in violation of spirit of our democratic institutions." (***) The telegram closed with a plea "to let us know whether the alleged Executive Order stands."

By this time a number of labor organizations had become aware of the agitation to modify the Executive Order in the direction of wider exempted classes. Emphatic protests against the proposed changes were registered with the Administrator of the National Recovery Administration.

(*) The Chicago TRIBUNE, August 2, 1934.

(**) See Chapter I pp. 5 to 33.

(***) Telegram to the President from the Homeworker Protective League, August 13, 1934. The point has already been made that it was the purpose of the Executive Order to relax code prohibitions of homework so that the more helpless of former homeworkers could be taken care of. If anything, this was an humanitarian move. As for the alleged assumption of "dictatorial powers", the National Industrial Recovery Act gave the President power to modify codes. (See Chapter I, Sec. B)

The Secretary of Labor wrote:

"It has just come to my attention that there has been a request for administrative modification of the Executive Order of May 15, 1934, which permitted homework in special cases.

"I considered the Order carefully at the time it was prepared. In my opinion it serves admirably to care for those cases which merit special attention without endangering the social gains made by the Administration in prohibiting industrial homework.

"I am convinced that any relaxation of the Executive Order will result in an entire abrogation of the homework prohibitions and a restoration of this form of industrial exploitation.

"As you know, the progress which has been made by the National Recovery Administration in eliminating the grave evils connected with industrial homework has been a source of gratification to me. I should like to express to you my serious objection to any modification that would undo the work which the homework prohibitions in the codes have accomplished up to this time." (*)

The Acting Chief of the Children's Bureau, U. S. Department of Labor stated her position as follows:

"The progress made by the National Recovery Administration in eliminating industrial work for manufacturing establishments in homes has been of great interest to me. This system of industrial exploitation has been for many years widespread in a large number of our industries. Child labor, unsanitary conditions, low wages, are all inevitable when the home becomes a workshop. A large number of industries formerly using home work have agreed to codes which prohibit it. Many of them are eager to eliminate this method of competition, which has had a stranglehold on the industry.

"I have followed the case of Duff v. Strauss and Conboy (**) with interest, as it represents an attempt to break down the prohibitions now in effect. I understand

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(**) The application for an injunction to restrain enforcement of code homework provisions. (See above)

(*) Letter to General Hugh S. Johnson from Secretary of Labor Perkins, August 10, 1934.

that an effort is being made by the plaintiff to obtain a modification of the Executive Order of May 15, 1934, which permitted home work in very exceptional cases. Any relaxation which would permit home work by mothers on the ground that they have young children would nullify the home work prohibitions and I trust that no modifications of the Order will be allowed." (*)

An official of the New York State department of labor telegraphed the following: "Consider any extension of reasons for permitting homework under Executive Order in codes where it is prohibited would go far to nullify original purpose. Trust you will oppose any such effort."(**) The General Secretary of the National Consumers' League wired that "We are convinced that modifications or exceptions to Executive Order concerning homework would seriously impair effectiveness of control and therefore urge that you oppose them." (***)

In the face of such opposition on the part of organizations and persons whose disinterestedness in the matter was beyond any doubt, the NRA chose not to disturb those adjustments which had been made in a number of industries to the Executive Order as it was issued. In other words, the request for a modification of the Order was rejected not in any formal manner but merely by a failure to act favorably upon it.

One other attempt to modify the Executive Order (this time by "interpretation") came to naught. On August 22, 1934, the Executive Assistant to the New York State Compliance Director addressed the following query to the Chairman of the NRA Homework Committee:

"This office has received a great many inquiries and also a request from the State Labor Department concerning one phase of the President's Executive Order of May 15th. The question is whether a nursing mother or a mother who must stay at home to care for a young infant (up to six months or thereabouts)

(*) Letter to General Hugh S. Johnson from Acting Chief Katherine F. Lenroot, Children's Bureau, U.S. Department of Labor, August 10, 1934.

(**) Telegram to General Hugh S. Johnson from Miss Frieda S. Miller, New York Department of Labor, August 13, 1934.

(***) Telegram to General Hugh S. Johnson from Miss Lucy Randolph Mason, General Secretary, National Consumers' League, August 13, 1934.

is included within the exception of the President's Order which deals with invalids or bedridden persons."(*)

This request for an interpretation (**) of certain terms in the Executive Order was promptly transmitted to the U. S. Department of Labor. Inasmuch as the Executive Order on homework placed chief responsibility for administration of the Order upon the U. S. Department of Labor it was felt that the Department of Labor rather than the National Recovery Administration should issue the interpretation.

The Department of Labor's ruling and the reasons therefor follow:

"A normal infant cannot be considered a 'bedridden' person in any literary or medical definition of the term, and a mother who must care for such an infant is not in the class permitted to do homework under the Executive Order.

"It was the purpose of the Executive Order to care for certain individual cases of hardship without nullifying the homework prohibitions which the industries adopted to prevent the cut-throat competition of homework. If the exemption should be broadened to include mothers with young children, it means the return of the sweat-shop with all the evils of low wages, long hours and child labor.

"The Labor Department is now engaged in a study of homework in cooperation with NRA, and the Schedules for working mothers with babies a year old or less show that they earned from 3 to 6 cents an hour, working 27 hours or more--even 40 to 48 hours a week--for a mere pittance of from 57 cents to $1.94 a week. One young mother worked 48 hours a week for $1.50; another with a 4-months-old baby and three other children under 6 earned $1.75 for 38 hours a week. Another with 4 children under 5 working an average of 4 hours a day made 63 cents for her week's work. These are not isolated cases of the starvation wages that homework yields. The industrial homework must often be done late at night after a full day of household and nursing duties, putting a heavy strain upon the health of the mothers.

"Many of these workers are on relief rolls in spite of homework, indicating that where homework wages are so

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(*) Memorandum to Mr. O. W. Rosenzweig, Chairman NRA Homework Committee from Mrs. Anna M. Rosenberg, Executive Assistant, New York Office, August 22, 1934.

(**) In official NRA terminology, an "interpretation" meant a ruling on the meaning of the language used in a code or order where the intent of that language was in doubt. An "explanation was a clarification of the meaning of the language where the intent of the language was not in doubt. (NRA Office Manual, Part III, "Code Administration," Sections 3110-3112.)

low, relief funds must supply the difference required to sustain life, resulting, indirectly, in a subsidy to the industries in which homework prevails.

"During a period of unemployment where the chief breadwinner is unable to earn, the mother of young children should be the first to secure relief. It has long been considered good public policy to provide mothers of dependent children with funds so that they may care for their children at home. Mothers' Aid laws giving such assistance are now in effect in forty-five states. Ordinarily, these states do not permit mothers who are receiving such aid to take in homework, on the grounds that their experience has shown that adequate care of children and industrial homework cannot be combined.

"In considering individual hardships arising under code provisions abolishing homework, it must be borne in mind that for every mother who is deprived of the opportunity to earn a mere pittance by long hours of toil in industrial homework, another person unemployed and equally deserving will secure a job in a factory at code wages and for short hours." (*)

(*) Memorandum to Mr. Rosenzweig, Chairman, Homework Committee, NRA from Mrs. Clara M. Beyer, Executive Secretary, Secretary's Committee on Minimum Wage, U.S. Department of Labor, September 1, 1934.

Having failed to obtain a modification of the Executive Order by direct administrative action, the Homework Protective League renewed its efforts towards the achievement of the same result through litigation. The opinion by the Attorney-General of New York in his letter of August 9, 1934 to the Industrial Commissioner (*) made it clear that licenses under the State law should not be issued to homeworkers in industries under codes which prohibited homework. The Commissioner was determined to stand by these instructions; he therefore refused to issue homework certificates to those who did not qualify under the Executive Order. The League, acting through its attorney, Mr. Hochfelder, took up the cause of two women who had been denied certificates, and sued for an order to compel the Industrial Commissioner to issue the permits. The granting of the order by a State Supreme Court Justice met with a storm of disapproval from various organizations. The matter was closed when a higher court reversed this decision and reaffirmed the opinion of the Attorney-General. (**) The issues involved in this case and its outcome will be more fully examined later.

The Boston Conference of Certificating Officers

On September 26, 1934 a conference of state officers designated by the U.S. Department of Labor to issue homework certificates under the Executive Order, was held in Boston, Massachusetts. The purpose of the meeting was to discuss the problems which had arisen and to promote a higher degree of uniformity in local administration. (***) Practically all states in which homework is widespread were represented.

An interesting variety of opinion was expressed at the conference with respect to the question of women with dependent children. Thus, one representative suggested that "in the interest of securing greater uniformity, all homework in every industry be prohibited under NRA and the policy of granting exemptions be liberalized to include widows with families to support, and special cases certified by relief agencies."(****) Another delegate objected to the policy of granting exemptions in any

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(*) See above.

(**) Sabatini et al v. Andrews, 243 App. Div. 109, 276 N. Y. S. 502, December 31, 1934.

(***) The U. S. Department of Labor has published in mimeographed form a rather complete summary of the minutes of the conference under the heading "Conference on Certification of Home Workers", U.S. Department of Labor, Secretary's Committee on Minimum Wage, Washington, D. C. This will hereafter be referred to as "Summary of Conference Minutes."

(****) Mr. Charles M. Weeks, Deputy Commissioner of Labor, New Jersey, p. 1, Summary of Conference Minutes.

instance "because this tended to weaken the program for total abolition."(*) The general consensus of opinion, however, was favorable to the Executive Order as it stood, with no modifications. On this point the statement of the Pennsylvania representative is particularly interesting. "Homework is not a justified phase of industrial activity", she said, "but if there is ever any justification for homework, it is under the provisions of the Executive Order. Take the case of one woman whose husband was ill, and who for twenty years had been earning enough money to be independent, sewing in her own home by machine. She could not have adjusted herself to a factory. However, nothing could be done for her until the Executive Order was signed. The first homework certificate in Pennsylvania was issued to her". (**)

Practically all present at the conference agreed that "It is next to impossible to regulate the conditions under which homework is done ..."(***) Speaking on one of the regulations of the U.S. Department of Labor governing procedure under the Executive Order, the representative from Connecticut said:

> "Although the application blank says no one but the certificated person can do the work, it would be impossible for any Department of Labor to enforce this unless they had the whole State police and militia to go around and check up. ...50 per cent of all homeworkers are violating...the rule that only certificated persons shall do the work. ... In one case an inspector found that where one permit had been granted 5 members of a family of 11 were doing homework. ..."(****)

(*) Mr. Wm. J. Fitzgerald, Deputy Commissioner of Labor, Connecticut, p. 2, ibid.

(**) p. 2, Summary of Conference Minutes, Statement of Miss Beatrice McConnell, Pennsylvania Department of Labor. On another occasion, speaking on the proposal to modify the Executive Order to include women with dependent children, Miss McConnell, then Director of the Women's and Children's Bureau, Penns Ylvania Department of Labor, said, "You might as well throw the whole thing open if you do that, because in possibly 85 or 90% of your homeworking families, there are children under 16... You may be interested (to know) that the very first homework study that we made in Pennsylvania...in 1924, showed in this... industry (infant's and children's wear), that 50% of the families with children were employing those children illegaly on the (home) work". (See p. 92, Transcript of Hearing on Proposed Interpretation to the Pleating, Stitching, Lonnaz and Hand Embroidery Industry Code, Vol. 1, Day Session, First Day, November 20, 1934.)

(***) Miss McConnell, ibid.

(****) Statement of Mr. William J. Fitzgerald, Deputy Commissioner of Labor, Connecticut, p. 2, Summary of Conference Minutes.

A general dissatisfaction with the lack of uniformity in the homework provisions of codes, was evident. This situation was deplored as a contributing cause of many difficulties experienced by state agencies in their efforts to administer the Executive Order. It was pointed out also, that owing to the absence of uniform homework code prohibitions, homeworkers displaced by a code prohibition in one industry were crowding into other industries under codes permitting homework, with a resulting pressure on wage rates and earnings.

The representative from New York stressed the interstate aspect of industrial homework. "Homework Regulation", she said, "which failed to recognize the interstate character of the problem would produce little result." The New York State Department of Labor had required manufacturers to register the names of homeworkers to whom they sent work outside the state as well as within the state. A spot map, constructed on the basis of this information, showed that the distribution of homework (from New York, of course) ranged as far north as Canada, west to the Mississippi, and south to the Mexican border.

A number of administrative problems of lesser importance were discussed. The question arose what to do with certain homeworkers (rural homeworkers, for example) who, while not incapacitated for factory work, lived at prohibitive distances from the factory. The U. S. Department of Labor insisted upon a strict interpretation of the terms of the Executive Order to protect code standards against an excessive number of exceptions.

An interesting problem (which was to come up again later) was whether the number of homeworkers to whom any one employer might be permitted to give out homework under the Executive Order, should be limited by the state issuing officer. Of course, the state officer could on his own discretion refuse to issue more than a certain number of certificates to any employer. But the question was whether the Department of Labor should establish a uniform policy for all states. A report of the U. S. Department of Labor (*) states, "the issuing authorities frequently asked for guidance on this point." In the discussion of "The Executive Order" it was pointed out that the Order did not limit the number of certificates which might be issued to the homeworkers of any one employer or to the workers in any given industry. However, "In a number of individual instances," says the same report, "State authorities reported applications which, if granted, would have given the employer a force of homeworkers that seemed out of proportion to the size of his factory." The Executive Order and the exceptions which it provided, applied only to industries under codes which prohibited homework. Obviously if an employer in such an industry made no move to bring the work into his factory, or to expand his facilities for factory production, he was not complying with the code prohibition of homework. Nor could a jobber or a contractor who formerly used as many homeworkers as he pleased, be permitted to sign his name as an employer jointly with the homeworker on the application for a homework certificate, for the simple

(*) Exceptions to the Industrial Homework Prohibitions of NRA Codes", A Mimeographed Bulletin, U.S. Department of Labor, Division of Labor Standards, December 3, 1935.

reason that jobbers and contractors, if they had offices at all, had only distributing offices and not shops or factories. Strictly speaking, they were not members of the manufacturing industries which they served.

The principle was that if a code prohibited homework in an industry, then homework in that industry was to be eliminated. The exceptions provided in the Executive Order were not to be used by any employer as a medium for the evasion of his responsibility, which was to organize his production on a factory basis. The Department of Labor stressed this point and advised the issuing officers "to proceed cautiously." At the conference, the discussion leader (*) emphasized the fact that "the Executive Order was intended for the benefit of the employee, not of the employer. If under it employers were permitted to continue homework, without setting up factories, the abolition of homework would be quickly broken down. Certificates should not be issued for work from employers who do not have factories, nor to employers who fail to comply with labor provisions of codes." (**).

Before the conference closed, the discussion leader called for suggestions from the group which she might take back to the NRA Homework Committee, of which she was a member. In response to this request, the Conference adopted the following resolution:

> "WHEREAS, the State Representatives administering the Executive Order on Industrial Homework commend the NRA for the serious consideration it is giving to the control of this system of industrial exploitation; and
>
> "WHEREAS, the administration of this Executive Order has strengthened the conviction, long held by State labor departments which have been in charge of State homework regulation, that industrial homework should be abolished; and
>
> "WHEREAS, it is recognized that there exists a numerically small group of handicapped persons for whom under present conditions there may be social justification for permitting the continuance of industrial homework;
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> "THEREFORE, BE IT RESOLVED, that this Conference of State Officials on the Certification of Homeworkers urge that the National Recovery Administration prohibit industrial homework under all codes, subject to the provisions of the Executive Order, and in so doing

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(*) Mrs. Clara M. Beyer of the U. S. Department of Labor.

(**) P. 4, Summary of Conference Minutes.

set up machinery to make such prohibition effective." (*).

The Lauer Decision

Strangely enough, there was no discussion at the conference of the conflict between state law and federal regulation under the Executive Order. The fact that the question had arisen only in the State of New York may partly account for this. Again, such a problem was a matter for the courts to decide; administrative agencies could do little about it. (**). At any rate, shortly after the conference adjourned, the problem of conflicting jurisdiction between state law and federal regulation moved one step closer to solution.

On October 1, 1934, New York State Supreme Court Justice Edgar J. Lauer directed the Industrial Commissioner of that state (by a writ of peremptory mandamus) to issue homework certificates to two women whose applications had been rejected by reason of their failure to qualify under the Executive Order. Their cause had been taken up by the Homework Protective League which apparently was responsible for the preparation of the case and its presentation to the court.(***).

(*) pp. 5 and 6, Summary of Conference Minutes. At about the same time (September 26-28, 1934) the International Association of Governmental Labor Officials met in Boston and adopted a similar resolution commending the NRA "on the progress made" and urging it "to extend the abolition of industrial homework to all industries." The Association requested "speedy enactment by the several states of industrial homework laws designed to establish uniform standards and to regulate the practice with the idea of eventually eliminating it entirely." Because of the "large amount of homework sent from state to state," the Association urged "the federal government to take action looking toward the control of this phase of the practice of industrial homework." (Discussion of Labor Laws and Their Administration, 1934 Convention of the International Association of Governmental Labor Officials, Boston, Mass., Bulletin No. 1, Division of Labor Standards, U.S. Department of Labor, p. 134.)

(**) This, of course, did not prohibit discussion of the problem but it may suggest a reason why the matter was not brought up.

(***) The New York EVENING POST of November 16, 1934, stated that "Nettie Sabatini and Rose Perricone are the homeworkers named in the case, but the fight is being made through them by the 'Home Workers Protective League,' organized by embroidery and other manufacturers. Julius Hochfelder was to represent the manufacturers in court today." The New York TIMES, (January 1, 1935), noted that the two women "were represented by Julius Hochfelder, counsel for the Homework Protective League of the United States and for the National Hand Embroidery and Novelty Manufacturers Association."

In principle this case was identical with the Budd case. Mrs. Sabatini and Mrs. Perricone were both mothers of small children. They wanted to continue industrial work at home -- the argument ran -- in order that they might take care of their children.

The code involved was the Code of Fair Competition covering the "Schiffli, The Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting Industries" (*) which contained a provision prohibiting homework "after six months from the effective date (February 12, 1934)". The two major groups under the code were the Schiffli embroidery industry and the hand machine embroidery industry, and these were concentrated for the most part in a small area in Hudson County, New Jersey, directly across the river from New York City. Such homework as was done was confined almost entirely to hand processes concerned with trimming the embroidery work that came off machines, i.e., cutting threads, etc. (**) As to the extent of homework in the "industries" under the code, "It is estimated that the concerns coming under the Schiffli and Hand Machine Industry provide work for close to 1000 homeworkers". (***)

(*) No. 256, approved on February 2, 1934. See Article IV, Section 2.

(**) In Vol. I, Transcript of Hearings on Code of Fair Practices and Competition presented by the Schiffli and Hand Machine Embroidery Industry, September 11, 1933, p. 60, Mr. Victor Edelman representing the Cooperative Embroidery Thread and Scallop Cutters' Association, listed the following homework operations: "Thread splitting and/or cutting by hand; scallop cutting by hand or machine; lace cutting; lace making up; and straight cutting of embroidery".

(***) Statement of Mr. Edelman, ibid., p. 61. The economic report which accompanied the code to the President stated "...homework operations have long prevailed in this industry...It is difficult to estimate the extent... It has presented a significant amount of the total production activities of the industry." (p. 135, Report to the President, see the printed code.)

The total number of employes in all groups under the code has been estimated as 5,000. (*)

Justice Lauer ruled that the code prohibition of homework was "not an injunction against the individual worker. The code seeks only to restrain the members of the industry. This provision affords no justification for the refusal of the application of the petitioners. (**) Nor does the State Recovery Act (***) offer any warrant for the Industrial Commissioner's refusal to issue the permits sought. The Act specifically provided that "nothing in this Act shall prevent an individual from pursuing the vocation of manufal labor and selling or trading the products thereof." It is sufficiently clear from this section said the Justice, that while the Act is an enabling act to enforce the provisions of codes adopted under the National Industrial Recovery Act, "the legislative intent was to restrain and restrict the codes from invading the field of individual labor. It shows a clear intention not to interfere with the individual in pursuing his vocation."

The decision concluded as follows:

"The code of the embroidery industry does not limit the individual from performing work whether at home or elsewhere, but affects only the manufacturer as a member of the industry. The policy of this state in respect to homework, as expressed in the State Recovery Act and Article XIII of the Labor Law, is to permit homework, providing the provisions of the law are complied with (****).... Chapter 825 of the Laws of 1934, which added Article XIII to the Labor Law...is the last expression of legislative intent as to the public policy of this state respecting industrial homework. (****)

(*) Figures that the writer has seen as Assistant Deputy in charge of this code, on various papers that drifted across his desk lead him to believe that the estimate (which was made by an association executive) of about 5000 employes in all branches and groups under the code, is approximately correct.

(**) Sabatini et al v. Andrews, New York Supreme Court, 153 Misc. 190, 274 N.Y.S. 381.

(***) The Shachno (State Recovery) Act, Chapter 781 of the Laws of 1933.

(****) Compare these points with those made in the Attorney General's statement. cf. See above.

> No occasion exists, therefore, for the court to permit any interference with a right so jealously protected as the right of the individual to contract for his own manual labor .... The Industrial Commissioner in refusing to issue the homework certificates to the petitioners has exceeded his authority. The motion for a peremptory writ of mandamus is therefore granted". (*)

The codes did not apply to, although an important part of their purpose was to benefit, employes is a point which one is not disposed to argue. As a matter of fact, no responsible National Recovery Administration official ever contended that they did. However, Justice Lauer admitted by implication at least that the provisions of codes were binding upon employers. If this were the case and manufacturers were prohibited under a code from giving out work to be done in homes, what would it avail a homeworker to obtain a permit to do homework if there was no homework to be done? Justice Lauer's decision in effect said to the homeworker, "You may be permitted to do homework, that is, if you can find a manufacturer who is willing to violate the law by giving you homework to do." The Justice failed or refused to recognize that it had to be either the state labor law on homework or codes and the Executive Order duly filed under the Shackno Act, but it could not be both. For this reason, the decision by no means solved the problem of conflicticting jurisdiction; it merely resulted in the reductio ad absurdum noted above. Obviously, if the decision had been permitted to stand, (**) it could only have become a dead-letter; an empty "victory" for the homeworkers at best. All of this was apparently recognized at the outset by the acting New York State NRA Compliance Director, who declared in a press interview:

> "The decision of Justice Lauer does not affect the validity of the code provisions forbidding the use of homework on the part of manufacturers engaged in industries covered by such codes. The court's decision is limited specifically to the rights of the actual worker...The manufacturer, therefore, is still required under the very terms of Justice Lauer's decision to comply with the code under the penalties provided in the Shackno Law and in the National Recovery Act.
>
> "The code provisions relating to homework have never applied to the worker and no attempt has ever been made by the National Recovery Administration under the Shackno Law to punish a homeworker or any other employe with relation to whom there is some violation of the code by his employer. The decision of

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(*) Loc. cit., supra. Sabatini V. Andrews, etc.

(**) As already noted, the Lauer decision was later reversed by a higher court. This will be more fully discussed in the appropriate place.

Justice Lauer should not be misunderstood in this regard."(*)

One other point raised by this decision merits attention. In support of his argument that the Shackno "enabling" Act was not intended "to interfere with the individual in pursuing his vocation," Justice Lauer cited Section 4 of the Shackno Act which provided that "Nothing in this act shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof." Except for a few words which were left out, this language was identical with that used in the analogous clause in the National Industrial Recovery Act. (**) The point has been emphasized several times that Paragraph 2 of Section 5 in Title I of the National Industrial Recovery Act was designed for the protection of individuals working or "manufacturing" for themselves, neither employing nor employed by others, and selling for a profit what they themselves had made. (***) If the provision in the Shackno Act was suggested by the analagous clause in the National Industrial Recovery Act (and the language certainly indicates that it was), then it is not illogical to assume that the legislative intent of the provision in the Shackno Act was the same as that of the clause in the National Industrial Recovery Act. The sole difference being that the former was for the state of New York and the latter for the nation as a whole. It follows necessarily then, that Justice Lauer's emphasis was misplaced by reason of his failure to distinguish between the homeworker as an entrepreneur who sells the products of his own labor and derives a profit from the transaction, and the industrial homeworker who is an employe in the industry in which she is engaged. In the case which Justice Lauer was called upon to decide, the two women were industrial employes; they were not selling the products of their labor.

(*) Statement of Mrs. Anna M. Rosenberg, acting State NRA Compliance Director, New York in the NEW YORK TIMES, October 4, 1934. The article appeared under the heading "Andrews to Fight Homework Ruling".

(**) For the sake of comparison, Paragraph 2, Section 5, Title I of the National Industrial Recovery Act is here reproduced in its entirety: "Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof; nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm." The underscored portions apparently were taken to serve as Section 4 of the Shackno Act.

(***) Cf. Chapter I, p. 5 Chapter III, p. 46

The fact that manufacturers under codes prohibiting homework were not relieved by the Lauer decision of their obligation to comply, was apparently overlooked by the newspapers and others, judging from the general reaction to the decision. "The fight of NRA authorities against permitting homework in various industries, notably the needle trades and the artificial flower industry, suffered a setback . . . in a decision by Justice Edgar J. Lauer in the Supreme Court," said the New York TIMES. (*) The New York JOURNAL of COMMERCE declared in a headline covering a brief story that "NRA is Hit in Court Decision on Home Work". (**) The WALL STREET JOURNAL announced that "Home Work is Upheld" and added that the decision was regarded as a serious blow to NRA efforts to eliminate this form of employment. (***) Another newspaper declared that "Justice Lauer's decision . . . dismissed the NRA as a regulating factor in the lives of perhaps 1,500,000 homeworkers....." (****) The same journal stated that the two women had become "heroines to the hundreds of contractors who employ housewives to do their work" while to the NRA authorities "they became martyrs of a sweatshop system." The article called Mrs. Budd "the original Joan of Arc of the women who earn their pittance away from the factory." (*****) Further, the DAILY NEWS described Mr. Hochfelder, counsel for the women, as "jubilant" because of the decision. "It reaffirms the inalienable rights guaranteed under the Federal and State Constitutions," he said: (******) From the analysis given above of the implications of Justice Lauer's decision by no means solved the problem of conflicting jurisdiction between State and Federal law; (*******) rather, it added confusion by affirming one standard (the State Labor Law) without denying

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(*) ,(**) ,(***) October 3, 1934.

(****) The New York DAILY NEWS, October 3, 1934.

(*****) It will be recalled that Mrs. Budd's case was dismissed on June 28, 1934 by Judge Alfred C. Coxe.

(******) This is quoted in the DAILY NEWS and the New York TIMES, both of October 3, 1934.

(*******) By this time it should be apparent that this statement of the problem though satisfactory for the sake of ultimate contrast is not entirely accurate. Strictly speaking, the conflict was between Article 13 of the Labor Law and that part of the Shackno Act (also a state law) which made codes binding in the state. Ultimately, of course, the question was whether the Industrial Commissioner should act under the State Labor Law or in accordance with U.S.Department of Labor regulations issued pursuant to the Executive Order.

the other (codes, the Executive Order, etc.) in a situation where both could not stand together. The Industrial Commissioner had no choice but to appeal the decision to a higher court. In announcing that no permits would be issued (not even to the two women), pending the appeal. Commissioner Andrews said:

> "A matter of public policy is involved in the issuance or withholding of these homework certificates. In refusing to issue the certificates, I acted under the authority given in the Presidential Order limiting and defining permitted types of homework and after obtaining an opinion from the Attorney General that the Shackno Act, the National Industrial Recovery Act, the Embroidery Industry Code (which forbids homework) and the Presidential Order on homework constitute the controlling law in this case.
>
> "Whether or not the Industrial Commissioner, acting as the enforcement officer designated by the Presidential Order, finally shall be held to have power to withhold or issue homework certificates under the provisions of that Order, there will remain the fact that industrial homework constitutes a great and rapidly growing menace to industrial recovery, to standards of wages, hours and working conditions, fair competition among manufacturers and the health of employees and the consuming public.
>
> "Whatever the decision in this case might be, the fact is that many industrial homework contractors employ women to do skilled work at parasitic wages of from two to ten cents an hour; that continuance of this exploitation at low labor costs constitutes a threat to every employer who pays fair wages for decent hours of work to employees performing that work in factories and shops which meet certain requirements of sanitation, safety and fire protection and for which he is required to pay taxes and carry adequate insurance; it is no less a menace to wage-earners employed in such shops and factories ...For every Mrs. Sabatini or Mrs. Perricone brought to public notice, there are thousands of women homeworkers who are forced by dire need to do skilled work at coolie wages ranging downward from $1.50 to as low as $.50 a day for a full day's work....The welfare of industry and society as a whole requires that homework shall not be permitted to be a drag upon industrial recovery and wages generally."(*)

(*) Press Release, October 3, 1934, Labor Publications Editor, State Department of Labor, 80 Centre Street, New York City. The title is "Homework Permits to be Withheld by Industrial Commissioner Andrews, Pending Appeal from Justice Lauer's Decision."

The Acting State NRA Compliance Director of New York promptly announced that the NRA was "in perfect accord" with the position taken by the Commissioner and with the views expressed by him (*). Other groups were not slow to pledge support. "Representatives of trade unions with a membership of more than 300,000 women workers ... adopted resolutions pledging the organizations to oppose attempts to restore homework in this State. More than a century of struggle by organized labor to abolish homework would be nullified if a recent decision by Justice Edgar J. Lauer in the Supreme Court is allowed to stand, according to the resolutions. Union representatives at the conference, speaking for organizations in the needle trade and affiliated trades, supported Elmer F. Andrews, State Industrial Commissioner, in refusing to grant homework permits to women, as ordered by Justice Lauer, and appealing his decision." (**)

Stimulated if not inspired by the Lauer decision, a movement developed to obtain legislation outlawing "homework in all industries." (***) With this object in view, the Labor Conference for the Abolition of Homework (****) at a meeting on October 11, 1934, adopted a resolution which endorsed by "duly accredited delegates of unions with a membership of hundreds of thousands of women workers in New York State," by a number of individual unions and by the Central Trades and Labor Council of New York.

(*) New York TIMES, October 4, 1934

(**) New York TIMES, October 12, 1934, under the headline "WOMEN'S UNION HEADS TO FIGHT HOMEWORK - 300,000 Workers Represented in Line Spurred by Adverse Decision by Lauer."

(***) Ibid.

(****) "The Labor Conference for the Abolition of Homework was called into being October, 1934, originally under the name of the Labor Conference on Homework, but at its last meeting it decided to go quite clearly on record as a conference for the abolition of homework. . . . . The conference was called under the auspices of the New York Women's Trade Union League, but the sponsoring groups numbering twenty-six include local unions in New York City, and also several of the large international unions, the International Ladies Garment Workers, the Amalgamated Clothing Workers, the milliners, the textile workers and so on." Statement of Miss Elsie Gluck, Secretary, Labor Conference for the Abolition of Homework, Vol. 1, Pt.1, pp. 153, 155, Transcript of Hearing on Pleating, Stitching, and Bonnaz and Hand Embroidery Industry - Proposed Amendment to Code, New York City, N.Y., January 31, 1935.

The resolution placed the Conference on record "in favor of legislation abolishing completely all industrial homework in the State of New York," and pledged its support to a proposal to make the existing state homework law more stringent "as the first steps toward the complete abolition of homework."(*) The New York State Standards Committee representing some sixty religious, social, civic, and labor organizations (**) adopted a resolution which read in part as follows:

> "WHEREAS, we recognize the provisions of the State Labor Law and the NRA codes as important steps toward the elimination of an ancient evil, and
>
> "WHEREAS, these efforts have been met with strenuous opposition, in part from manufacturers profiting by the homework system, in part by well-meaning persons unaware of its far-reaching evil consequences, and
>
> "WHEREAS, many industries are on the other hand now making strenuous and intelligent efforts to eliminate homework and to bring their whole process of manufacture on to a basis of factory production:
>
> "BE IT THEREFORE RESOLVED that the Labor Standards Committee of New York herwith protests the decision of Justice Edgar J. Lauer ordering the New York State Industrial Commissioner to issue permits to homeworkers to whom the NRA codes prohibit their issuance, and
>
> "BE IT FURTHER RESOLVED, that the Committee heartily approves the appeal against this decision being entered by Attorney General John J. Bennett Jr., and pledges its support to Commissioner Elmer F. Andrews in the stand he has taken in requesting this appeal and in his refusal to issue homework certificates until a final decision has been rendered, etc." (***)

(*) Press Release, January 14, 1935, from the Labor Conference for the Abolition of Homework, Auspices of New York Women's Trade Union League. This movement resulted in the modification of the Labor Law of 1934 Governing Industrial Homework, Substantially along the lines urged by the Conference. See Article 13 of the Labor Law of 1935 and compare with the homework sections of the Labor Law of 1934.

(**) A complete list of the members of the Committee may be found in Appendix F. It will be noted that an impressive cross-section of the social structure is represented.

(***) New York Labor Standards Committee Meeting, October 23, 1935.

"The trade union movement is determined to fight this important issue through every means possible and has already pledged its support to Commissioner Andrews," said Miss Mary Dreier, acting President of the Women's Trade Union League. (*) She described the efforts to compel Commissioner Andrews to issue the homework certificates as "an attempt of employers to break down standards built up in the industries." (**)

On November 14, 1934 the New York TIMES told of another case in which a Mrs. Rose Deligio had been denied homework permits and the court refused to intercede. (***) The woman was referred to, by the TIMES, as having "learned something about planned economy, etc." Apparently provoked by the real or imagined sarcasm, Miss Elsie Gluck addressed a letter to the Editor of the New York TIMES in which she presented impressive evidence of the exploitation of homeworkers and offered several explanations for the stubborn efforts to continue homework in spite of code prohibitions. Her letter closed with the following:

> "At the trade union conference of October 11, the union representatives voted for full support to the appeal taken by Commissioner of Labor Andrews against the decision of Justice Lauer ordering him to issue permits in violation of the codes. Organized labor, which includes thousands of these former homeworkers, is determined that the system which a hundred years of experience has proven is costly to the community and to the worker shall not be revived." (****)

(*) New York HERALD - TRIBUNE, November 30, 1934, Headline: "Fight to Forbid Homework to Come Up Today.

(**) Ibid.

(***) November 14, 1934, Headline: "Home Work Plea Fails." Cf. Appendix E of this report.

(****) Editorial page of the New York TIMES, Monday, November 26, 1934. Miss Gluck's letter, in itself an able, brief analysis of the homework problem, is worth reading in its entirety. For this reason it has been incorporated in Appendix "E" of this report together with the TIMES story which invoked it.

In the argument on the appeal, Mr. Hochfelder, "counsel for a group of manufacturers interested in homework" described the President's Executive Order on homework as a "rubber stamp order." (*) "Hochfelder, though counsel for the manufacturers, spoke repeatedly in the name of 'a million women homeworkers' . . . Further, the attorney suggested that the only reason the labor movement was fighting homework was because it wanted to organize more workers and collect dues from them." He said William D. Green, head of the American Federation of Labor, had admitted that to him.(**)

The New York Child Labor Committee appeared as amicus curiae and argued that "child labor is so definitely an incident of homework that the determination of this appeal is of vital importance to the New York Child Labor Committee and to other organizations working against the exploitation of children in industry . . . Destructive wage rates and bad sanitary conditions as well as night work and child labor are all shown by competent evidence to be inseparable factors in the homework evil. (***) For these and other reasons, the Committee urged that "the order of the Court below be reversed."

It is not necessary here to consider the legal aspects of the decision by the Appellate Division of the Supreme Court. It is sufficient to observe that the Court overruled Justice Lauer and decided "by a unanimous vote . . . that permits for industrial homework in New York should be granted by the State Labor Department only in line with the provisions of NRA codes and the President's Order on homework."(****) "We are of the opinion that the position taken by the Commissioner is correct in so far as he was within his rights in refusing to grant the permits," said the Court.(*****)

(*) New York EVENING POST, November 30, 1934.

(**) Ibid.

(***) Pp. 2, 16, 17, Brief presented on behalf of the New York Child Labor Committee, before the Supreme Court Appellate Division, in the matter of the Application of Nettie Sabatini, etc.

(****) New York TIMES, January 2, 1935, Headline: "Women Lose Fight on Homework Ban - Appellate Court Voids Order of Justice Lauer Directing Andrews to Issue Permits."

(*****) Sabatini et al vs. Andrews, 243 App. Div. 109, 276 N. Y. S. 502, December 31, 1934. As far as the writer knows, this case was not appealed to the highest court of the State, the Court of Appeals.

Homework in Rochester and Troy, New York

In the interim between the Lauer decision and its reversal by a higher court, discontent with the Executive Order on homework developed and was expressed in other quarters. Heretofore we have been concerned largely with the efforts of the Homework Protective League to modify or vitiate the Order. Before we proceed to a consideration of other instances where the Executive Order was a bone of contention, it should be pointed out that the phrase "discontent with the Executive Order" diverts attention from causes to symptoms. In most instances, opposition to the Order (particularly if inspired by manufacturers) was based upon an underlying antagonism to the prohibition of homework--and more, upon a positive desire to continue the homework system as long as there was some gain in it. For the most part finding fault with the Executive Order was merely one way in which the refusal to accept code prohibitions of homework manifested itself.

Early in October, 1934, The Legal Aid Society of Rochester, New York, a social service organization engaged in giving legal assistance to persons unable to employ private counsel, became interested in the case of two women, both homeworkers formerly employed by the H. C. Cohn and Company, manufacturers of men's neckties (*). The applications of these women for homework certificates were rejected by the New York State Department of Labor as not falling "within any one of the three clauses under the provisions of the President's Order ... for which

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(*) Mr. H. C. Cohn was Chairman of the Men's Neckwear Code Authority; his plant was under the Men's Neckwear Code which prohibited homework in the industry "on and after June 15, 1934." (See Article IV, Section 1 of the code). Code negotiations began in the summer of 1933; the code was approved in March, 1934 and became effective on April 2, 1934. All told, those members of the industry who used homework labor had almost one year to adjust themselves to factory production. At the original code hearing neither labor nor management knew exactly what the extent of homework in the industry was, but Mr. Raymond Walsh speaking for the manufacturers offered the estimate that the number of homeworkers constituted "one-fourth or as high as one-third ... of the employees of this industry." (The total is somewhere between 6000 and 8000). (Transcript of Hearing on Code of Fair Practices and Competition presented by the Men's Neckwear Industry, Friday, September 15, 1933, Volume 2, p. 11). Mr. Walsh argued that "the odor of the sweatshop" so typical of homework in other industries was no characteristic of homework as it appeared in this industry. (Ibid.) On the other hand, Mr. William Green, President of the American Federation of Labor urged "that the industry take steps to rid itself of homework." (Ibid. p. 227.) "If the Industrial Code of Fair Practices for the Neckwear Industry serves no other purpose", he said, "or accomplishes no other result than to eliminate this social evil, this menace of homework, it will accomplish a great deal for the people of the country, not only those directly concerned, but all classes..." (Ibid., p. 228.)

alone special permit may be granted."(*)

In a letter addressed to the President, the Legal Aid Society wrote:

> "The M. C. Cohn Manufacturing Company, of this city, engaged in the making of neckties and operating under the Men's Neckwear Code has for some time past followed a practice of allowing approximately sixty women of this city to do hand sewing on neckties in their homes. We are advised from responsible sources that this homework permitted by this company does not compete with factory labor either as to the amount of work given or as to the rate of pay. Applications have been made to the New York State Department of Labor ... for permits "for all of the employees doing homework for this company. To date, sixteen applications have been acted upon and of these, eleven were rejected as not coming within the exceptions as set forth in your order.
>
> "We feel that while these people do not come within the letter of the exceptions allowed by you, their cases merit an order staying the execution of your Executive Order ... We are, of course, aware of the very laudable social purpose of the various code provisions restricting homework and assure you of our whole-hearted cooperation to the end that the vicious abuses of the past in this type of employment may come to an end."(**)

Subsequently in a letter to the Chairman of the NRA Homework Committee, the Society repeated its assurance that "We agree heartily that the conditions of homework previously existing in industry called for drastic correction in many localities and are entirely sympathetic with the effort to wipe out those conditions." The letter continued with these questions:

> Is there not, however, some disposition on the part of your committee to recommend to the President a further modification of the Code prohibition against homework in favor of the mothers of small

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(*) New York State Department of Labor Form for the "Denial of Permit To Employ Industrial Homeworker."

(**) Letter to the President, October 3, 1934, from the Legal Aid Society, Rochester, New York. (NRA. Files).

children whose husbands are separated from them or are confined to health or penal institutions or are unable to work? Such a modification should of course, set up safe-guards as to the volume of work per week and the rate of pay so as not to compete unfairly with factory labor, and should make ample provisions as to the health conditions of the home. But assuming these conditions to be present, is it not to the best interest of the state and the social well-being of the family that opportunity be given these mothers to work in their homes, have satisfaction of being able to provide for themselves "and their children without charity and win thereby the greater respect of their children and the community?"(*)

The Chairman of the NRA Homework Committee replied in part as follows:

"The purpose of the Executive Order permitting certain persons to continue doing homework was to take care of some of the cases of individual hardship which resulted from the code prohibitions relating to homework and still not break down these provisions. The homework prohibitions were inserted in the codes not only because industrial homework has proved to be an unfair method of competition, but also because it was hoped to eliminate this industrial practice which so often carries with it starvation wages, child labor and long hours. The condition of the homeworker, as you know, has been even worse in the depression years ... I am sure that you will see that to relax the homework prohibitions as far as mothers of small children are concerned would entirely nullify the homework prohibitions in the codes, since employers would certainly find enough mothers to continue the sytem of industrial homework with all its attendant evils. Bringing minimum wage for the workers brought inside."(**)

Before further defining or deciding its position with respect to the homework problem and the Executive Order, the Legal Aid Society undertook to make an investigation of "nearly all of the local clothing and neckwear manufacturing, (including the H. C. Cohn Company) with the idea in mind of determining the extent of the problem locally, the effect of the present (homework) provisions upon employment in this community, and especially the effect upon the employment in

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(*) Letter to Mr. O. W. Rosenzweig, Chairman, NRA Homework Committee, October, 10, 1934, from the Legal Aid Society, Rochester, New York.

(**) Letter to Mr. Emery A. Brownell, Secretary, Legal Aid Society, Rochester, New York, October 24, 1934, from O. W. Rosenzweig, Chairman, NRA Homework Committee. (NRA Files).

their homes of women confined because of children."(*)

Though by no means exhaustive and limited only to questions asked of manufacturers, the investigation disclosed a number of interesting facts:

> " ... The total number of persons who have lost their means of support by this prohibition (of homework) is relatively few and .... presumably, not all of those who did were in the class of women confined to their homes because of children. Previous to the adoption of the Code, only four of the six firms (from which replies were received) engaged homeworkers. The number so employed totaled approximately six hundred twenty-one. One of these firms upon adoption of the Code, brought all their one hundred twenty-five homeworkers into the factory with the exception of one cripple. Two others who had employed three hundred sixty-four homeworkers changed over to factory work exclusively and it is my understanding that a large number of these former homeworkers have been taken into the factory.
>
> "With the exception of one, it is doubtful if any of these concerns would re-employ any of their former homeworkers outside of their plants even if the Codes were further modified ... Only two of the concerns who replied definitely favored a further modification of the Code prohibition of homework in favor of women with small children as proposed. Two were definitely opposed to further modification and of the other two, one did not employ homeworkers before the Code was adopted and the other, as stated, brought all but one of its homeworkers inside the factory when the Code was adopted."(**)

(*) Letter to O. W. Rosenzweig, Chairman, NRA Homework Committee, December 1, 1934, from Mr. Emery Brownell, Executive Attorney, The Legal Aid Society, Rochester, New York. (NRA Files.)

(**) Letter to O. W. Rosenzweig, Chairman, NRA Homework Committee, December 1, 1934, from Mr. Emery A Brownell, Executive Attorney, Legal Aid Society, Rochester, New York. See also attached to it. "Summary of Replies to Questionnaire Sent to 9 Leading Manufacturers of Men's Clothing and Neckwear in Rochester, Monroe County, New York." This Summary is marked "Confidential to Homework Committee, National Recovery Administration."

Having thus ascertained the facts for itself, and uninfluenced by the importunities of any single manufacturer with an immediate interest at stake, the Board of Directors(*) of the Legal Aid Society adopted a resolution that the "Society (will) take no steps toward securing a further modification of the homework provisions of the codes of fair competition prohibiting homework."(**) This conclusion in the resolution followed a long recital of pertinent facts(showing careful study and thought, as well as understanding) among which were the following:

> "It is a matter of common knowledge that previous to the adoption of these codes of fair competition, homework in industry was accompanied by many vicious and socially harmful abuses including the use of child labor, unconscionably low wages insufficient even for the barest necessities of life, intolerably long hours of work, and unsanitary working conditions; and
>
> "The elimination of homework should stimulate an increase of factory employment which is a more desirable condition of employment in that thereby the welfare of the workers can be best promoted and controlled and in that industry itself can be protected against unscrupulous competition; and
>
> "In the interest of society, it is desirable that women with small children be enabled to apply their energies to the proper care and training of these children without the burden of earning their support and of competing with men and unattached women in the labor markets, etc."(***)

Not all those who registered objections to the Executive Order on homework or to the prohibitions of homework in codes, were as tolerant in their approach or as rational in their methods as the Legal Aid Society. The following is related further to illustrate the situations and the forces with which the NRA had to deal in relation to the homework problem.

(*) "Since our Board includes several lawyers, two judges, two social workers, two doctors, a business man, a public official and a newspaper man and represents both major political parties, its conclusions should be fairly representative of local opinion. I man add, however, that it was not until the problem had been quite exhaustively studied that the Board came to agreement. Excerpt from Mr. Brownell's letter of December 1, 1934.

(**) Resolutions adopted by the Board of Directors of the Legal Aid Society, Rochester, New York, November 1934. (NRA Homework File, see "Resolutions".)

(***) Ibid.

On October 24, 1934, a letter addressed to Mr. Stephen Early, Secretary to the President, found its way into the NRA mail hopper. The letter was from Mr. R. Smith Payne, Director of Engineering and Industrial Relations, Cluett, Peabody and Company, Inc., Troy, New York. After a few preliminaries in which the addressee was reminded of boy-hood days with the letter-writer, Mr. Early's attention was called to "the problem of the homeworker under the various codes, and in particular ... to the Men's Neckwear Code." The letter continued:

> "The Men's Neckwear Industry in which we are vitally interested as the sole owners of Franc, Strohmenger and Coman, the 'Resilio' house, is faced with a ruling which is completely upsetting the industry ... I bring this matter to your attention because I am firmly convinced that sooner or later it will get to the Chief Executive of the Nation, due to the political aspect it is assuming.
>
> "To get down to cold facts, there are thousands of homeworkers who, through the years of the depression, have kept their families alive by homework and I don't mean, necessarily, in sweat-shops. There are no sweat-shops in this locality. But there are hundreds of workers who have been unable to come into the factories and work who are being deprived of homework as a result of certain rules and regulations of codes, and their criticisms of the treatment which they are receiving are directed at the Administration. ..." (*)

The letter failed to make clear the precise "ruling" which it was claimed was "completely unsetting the industry." This could hardly have referred to the prohibition of homework in the Men's Neckwear Code which -- by the date of Mr. Payne's letter -- had been in effect for some four months. There is no record that the industry or even a part of it had availed itself of the right to petition the National Recovery Administration for relief from the homework provision in the code if this was working some hardships. Why so many homeworkers "have been unable to come into factories," or whether a genuine effort to bring them into the factory had ever been made, was nowhere explained.

According to Mr. Payne, "a very prominent local physician" had become interested in a number of homeworkers formerly employed by Cluett, Peabody and Company (or Franc, Strohmenger and Cowan, Inc.),

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(*) Letter to Mr. Stephen Early, Secretary to President Roosevelt, Executive Offices, The White House, October 24, 1934, from R. Smith Payne, Director of Engineering and Industrial Relations, Cluett, Peabody and Company, Inc., Troy, New York.

whose applications for homework permits had been rejected by the New York State Department of Labor. "I feel sure," said Mr. Payne, "that if this particular doctor, who is quite well known in medical circles should publish any data on the subject it will bring the matter to a head."(*)

The letter to Mr. Early was accompanied by two others, (**) one a memorandum from Mr. R. O. Kennedy, Vice President of Cluett, Peabody, to Mr. Payne, and the other, a copy of a letter from Dr. Crawford R. Green, of Troy, New York, to Mr Kennedy.

In brief, Mr. Kennedy's memorandum (***) reviewed the experience of Cluett, Peabody with industrial homework (leading up to the Code and the Executive Order). By way of introduction, he recalled that "in the days when the codes were being written ... in some quarters there was an attitude unfavorable to homework. This was based on the possibility," he said, "that it could lead to the exploitation of the homeworkers. It probably was true," Mr. Kennedy admitted, "that in many instances (the) work was produced in the home, rather than in the factory, because unconcionably long hours could be worked and pathetically low wages could be paid." However, while it was common years ago for the housewives in the district to have sewing machines at home and to receive work from the factory, this was all eliminated as far as Cluett, Peabody was concerned. Now, not a single machine operator was doing her work at home.

In the neckwear industry, Mr. Kennedy asserted, "a different situation had developed." During the past few years "a transition most unique in the industrial history of the last 100 years" had taken place. There was "an actual turning back to hand craftmanship from the factory machine;" this was "Technocracy in reverse," said Mr. Kennedy. A decade or more ago only the highest priced neckties were made by hand; the other by machine. A new method of construction was devised, whereby a hand-made tie could be produced at a popular price because less silk was required. "The market will show today," the memorendum continued, "that all but the very cheapest ties are actually

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(*) Ibid.

(**) Later Mr. Payne asked that these be returned to him. "... If this matter is going to take the routine channels of submittal to the NRA officials," he said, "we might better make the presentation ourselves. I am more or less familiar with what happens to these cases when they are routed through NRA because I have been on the receiving end, as a servant of NRA in Washington. If you have not already forwarded the two letters which I sent to you to NRA., will you please return them to us so that we can file a brief on the subject?" From a letter to Mr. Stephen Early, Secty. to President Roosevelt, Executive Offices, The White House, etc. October 31, 1934, from R. Smith Payne, Director of Engineering, etc., Cluett, Peabody and Company, Inc., Troy, N.Y.

(***) Dated Oct. 22, 1934, and addressed to Mr. R.S. Payne, (original in NRA Files.)

hand-stitched, or what we call 'slip-stitched'." (*)

" ... Slip-stitchers are among the most skillful (workers) in the industry," Mr. Kennedy observed, "hand craft has always provided an expression for the creative instinct." But when the Men's Neckwear Code prohibited homework (four months ago) Franc, Strohmenger and Cowan, "was faced with a very serious problem." There was no lack of space to bring these workers inside. "In many ways it would be a real advantage if it could be done; it would save considerable time in production. "But," said Mr. Kennedy, " ... it was impossible to find sufficient of this hand skill in the factory worker. It is a skill developed over years and not one that can be taught rather quickly as can machine operation." The President and the NRA realized that the elimination of homework would entail "immeasurable" suffering, said Mr. Kennedy. Thus, an order was issued permitting homework to certain operatives who could not come into the factory. "At this time", Mr. Kennedy continued, "we were building up a factory organization by bringing into the factory those skilled operators who could come inside, but we found many who just could not leave their homes." "In fact," said Mr. Kennedy, "when we looked into it we were not surprised to find that this skill in hand sewing was acquired to a very great extent by the fact that the operator was forced to stay at home."

The Executive Order, however, did not list the care of children as an eligible reason for obtaining a permit to do homework. When we learned of this, "we were certain that there had been some mistake ... it just did not make sense," Mr. Kennedy wrote. The memorandum concluded with the following:

> "As your Department knows, Dr. Crawford B. Green has examined some of these applicants for the homework privilege. He apparently has been shocked by the rejection of some of the applications made on the basis of the necessity to stay at home to care for children. I have received from him a letter in which he very vividly expresses his astonishment at this ruling. You will see

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(*) Compare the above with this: "I am sure you will be interested in a statement from Mr. Gottesman, Secretary of the Neckwear Union, to the effect that the Cluett, Peabody Company were the originators of homework in the necktie industry. He said that before 1927 Cluett, Peabody was a union shop located in New York City. To get away from the union they moved to Ithica, At that time all men's neckwear except a small number of hand-made ties were made in the factory on machines. Cluett, Peabody began the 'back to the home' movement, or 'technocracy in reverse', as they called it. You can understand why their pious expressions on behalf of the workers rather irritated those of us who know their record of low wages and anti-union activities." -- Excerpt from a letter to the Chairman of the NRA Homework Committee by the Assistant Director, Division of Labor Standards, U.S. Department of Labor, November, 5, 1934.

> Dr. Green intends to publicize the anomalous situation that he found. As this letter was written in the sole interest of these employees, I believe that those high up in the Administration, and in the Department of Labor, and in the Recovery Administration will be most interested in Dr. Green's attitude. I am wondering if there is not some way that you can present this, so that it will reach those most interested."(*)

Dr. Green's letter(**) began with the explanation that he had been "given to understand" that "those with little children who require their mother's attention at home" would be permitted to continue doing homework with the other classes of homework exempted by the Executive Order. In further preface Dr. Green assured Mr. Kennedy that by virtue of his long experience as a physician, "I am not likely to be unduly influenced by morbid sentimentality or to succumb to affected hysteria." Next, Dr. Green raised what he believed to be basic questions, as follows:

> "I am wondering if you can explain the logic of the Government's position in the (permitted) classes of exemptions in comparison with its position regarding the workers with the little children who are not exempt... If a worker has some physical handicap which enables her to stay at home to work - say a rheumatic condition or a deformed hip or a bad heart - is it not reasonable to presume that she is more likely to impress others to do her work for her than if she is robust and in good health? And is there any more reason to presume that a worker staying home because of the need of caring for an invalid will be more ethical in carrying on the work than will a worker who is kept at home for children?"

Dr. Green then offered this summary of the situation:

> "If my premises are correct and my reasoning sound, we have three facts to consider: (1) A considerable group of people in need of work and anxious to do work of such a nature that they may remain at home to care for their dependent children and to keep their families intact; (2) A manufacturing concern with a long and honorable record for just and beneficient treatment of its employees which is anxious to give

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(*) For this and the quotations above, see the original of Mr. Kennedy's memorandum to Mr. Payne, dated October 22, 1934.

(**) Addressed to Mr. R. O. Kennedy, Cluett, Peabody & Co., Inc., Troy, N. Y., dated October 16, 1934. A copy accompanied the original of Mr. Kennedy's memo to Mr. Payne.

these people "the kind of work they can do at home and to pay them a decent and satisfactory wage for the work they do. (3) A governmental authority which denies to these people the right to do this work. As a result of this denial of the right to work, the workers are faced with three alternatives: (1) They can put their children in institutions or leave them to shift for themselves while they go to work in the factory. (2) They can appeal to charitable agencies for relief. (3) They can starve."

The letter concluded with the following:

"It seems clear to me that these women who are struggling by honest, decent work to keep their homes together and to support their children are in sad need of a champion. (*) I know that "you are helpless because you are tagged before you start as having a mercenary interest in the matter. If you feel that I am wrong in my conclusions, I shall appreciate it if you will point out to me wherein you consider that I am in error. Otherwise I propose to assemble my data ... and make a magazine article of it. It will be very easy to have a human interest story of this kind published where it will be widely read. The gist of the material can also be widely disseminated as news matter. This seems to be the surest way to enlist public interest in what I seriously take to be a violation of the most fundamental principles of human liberty.

"Knowing what I do of the struggles of these people to exist, of their willingness to work and your willingness to give them the work to do at a decent wage, I feel that I should be failing in my duty not to combat to the utmost of my ability any agency which tends to take away from these people 'the unalienable right of life, liberty and the pursuit of happiness."

The letters quoted above were referred by Mr.

(*) Apparently Dr. Green was not aware of the existence of the Homework Protective League of the United States, the activities of which had been amply advertised in the New York papers and others for almost a year preceding the date of Dr. Green's letter. Or, if he was, perhaps he did not think that the League was a fitting "champion."

Louis McHenry Howe, Secretary to the President, to the National Recovery Administration for consideration. The Chairman of the NRA Homework Committee promptly replied to the writers (Dr. Green and Mr. Payne) explaining that the NRA through the Committee was making a study of the problem of industrial homework "in all its aspects" - and that the Committee "is seeking all available data" to "assist us in making sound recommendations, etc." These gentlemen were invited to "cooperate with us by sending whatever data you may have, etc."

Mr. Payne replied with an offer of assistance and an invitation to visit Troy "and let us give you a first hand picture of the situation as we see it..." "If we can be of any help at all in furnishing data for your investigation," he said, "we would be most pleased to do so ..... but I still think that the best bet is for you to take a trip into the field and see the problem at first hand."

Less personal but more important were the following comments:

> "This (homework) matter is becoming quite acute. Rejections are coming back to us from the Department (of Labor) in New York at the rate of ten or twelve per day and it is creating considerable turmoil here in the city ... These slip-stitchers are skilled needle workers, many of them having been at the job for quite some time. The work having been taken away from them throws them on the city Welfare Department....
>
> "I believe that Dr. Green proposes to get in touch with you but he also has a very close friend who is a friend of President Roosevelt's. It is my belief that he will attack the problem through that source, in the meantime keeping you advised of what he is doing." (*)

In his reply, (**) Dr. Green assured the Chairman of the NRA Homework Committee that "my concern in the matter is purely humanitarian. I have no connection with the firm of Cluett, Peabody and Co., Inc., either in their medical personnel or otherwise. I have no political axes to grind for I am entirely independent of party ties or obligations." The following point was stressed particularly: ".... while I expect to be compelled to appeal to public opinion in the matter, I deliberately refrained from bringing the subject to light before the consummation of the election so no local politician has had an opportunity to make political capital out of it." "The fact is," Dr. Green continued, "that the situation in which we are interested is one that calls not for prolonged study, but for immediate relief... I have no interest in a prolonged academic discussion of the subject.. It is reasonable to assume that the President could immediately correct a wrong of this sort if it were brought to his personal

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(*) Letter to Mr. O. W. Rosenzweig , Chairman, NRA Homework Committee, etc., Dated November 6, 1934, from Mr. R. Smith Payne, Director of Engineering and Industrial Relations, Cluett, Peabody, & Co., Inc. (NRA Files)

(**) Letter to Mr. O. W. Rosenzweig, Chairman, NRA Homework Committee, etc., dated November 8, 1934, from Dr. Crawford R. Green, Troy, New York. (NRA Files)

attention ... Unfortunately for all concerned, the attempt to reach the President in this way proved futile."

The letter continued:

> "The only alternative, if the President cannot be reached or if some authority cannot give relief, is to attack the problem from the standpoint of public opinion. I have already begun the outline of a magazine article to that end and have put together some items of which at least some of the newspapers would be glad to have copies. Of course, you know as well as I that nothing goes better for the purpose I have in mind than specific human interest stories of just that kind ... In the anticipation of being compelled to carry on my proposed propaganda, I have jotted down several striking instances which have come to my attention in the past years wherein Cluett, Peabody and Co. have gone far out of their way to be of help to individual employees. I intend to use these facts in talking to selected groups of people who I expect to interest in the subject."

In summary, Dr. Green condemned the policy of excluding women with dependent children from the exempted classes in the Executive Order as being "cruel, anti-social, and a violation of the fundamental concepts of human liberty for which at all times it has been easy to find men willing, if need be, to sacrifice their lives."

It should be obvious that something more than logic was needed to make possible an impartial and thorough analysis of the homework situation in Troy, New York, and that was a scientific collection and presentation of the facts. Dr. Green's letter had been accompanied by an "Appendix" listing ten anonymous case studies. But what was presented in each instance was a recital of the difficulties both physical and financial of the particular worker. One could not be sure that these cases constituted a "fair sample", a representative cross-section of the whole field. Moreover, gathering data from industrial homeworkers, as in any other technical investigation, involves the use of a special technique and approach to which the layman -- however expert in another field -- cannot aspire without proper training. Realizing these points, the Chairman of the NRA Homework Committee arranged with the U. S. Department of Labor to have two investigators visit Troy for the purpose of obtaining first-hand information.

The survey was made in November, 1934. (*) Among other things, it disclosed that homework was one way of "beating" the apprentice (or learner) provision of the code which provided that apprentices

(*) Only the highlights are summarized in the text. The entire report may be found in Appendix G. Part of the report consists of a list of case studies which show vividly what the homework regulations meant to those directly affected by them.

(or learners) should be paid no less than $10.00 per week of thirty-six hours and "the period of apprenticeship shall be strictly limited to eight weeks." (*) "There is no make-up between earnings (at piece rates) and the $10.00 minimum for learners when work is taken home," the report stated, "even though the slip-stitcher has not been inside the plant for the period of eight weeks permitted by the code, and is not producing at minimum wage rates when she begins." When applying for work candidate slip-stitchers were required to state whether they preferred homework or factory work. "The firm has continued to employ some slip-stitchers with the expectation of giving them work at home after the factory learning period, since the code was approved," the report said. "In fact, one worker who was visited said she applied for homework because she had heard it was easier to secure employment if you had an excuse to work at home. Those who apply for homework send in application for special homework certificates and after their learning period is over, take work home while waiting for action on the applications."

The work involved in "slip-stitching" was comparatively skilled, requiring constant attention and much precision. (**) One homeworker said that she had placed her child in a Day Home because she could not give her the care she needed and make ties at the same time. Other workers said it was difficult to work with children around and they did their best work after the children had gone to bed. A few mothers reported working on neckties at night after their regular household duties, and "arising at 4 or 4:30 A. M. to 'do a few dozen' before the children were up."(***)

(*) Men's Neckwear Code, Article III, Section 4

(**) For further description of the process, see text of the report, Appendix G, p. 182

(***) Ibid p.7. At this point it is appropriate to consider the following letter from a necktie homeworker to the New York Department of Labor. It appeared in a Press Release from the Office of the Labor Publications Editor, New York State, Dept. of Labor, 80 Centre Street, New York City, January 17, 18, 1935:

" ----------Avenue
Troy, New York,
December --, 1934

"Dept. of Labor:
Dear Sir:

I would like to know if you please could try and let me work in the shop. I am doing ties home. We have a large family also my father is out of work six months,there is no sign of him going to work yet. I have a drainage on the right hip I am also lame, I have always work in shops.I would rather work in the factory because I only get $4.00 week working home if I work in shop I will get more and I really need it bad there are six children I am the only one old enough to work. If you don't believe me you may send someone to the house. Please try and get me back to the shop before Christmas because you know when there are children in the family how they want things for Christmas. Please do your best I will appreciate very much. I work for Cluett Peabody and Company. I am twenty-Two years old you know I am use of working in a factory

only are work is very slack so I got call to work in Cluett but it is hard for me to do ties home the children nearly drive me crazy.

Please do your best for me thank you very much.

P.S. I would like to hear from you. Thank you from

Rose G--------
-------- Avenue
Troy, New York.

In commenting upon this letter, Miss Freida S. Miller, Director of the Division of Women in Industry and Minimum Wage of the Department of Labor, said that it was "typical of many received by the Division ,... since the NRA codes were put into effect. The writer (of the letter)", Miss Miller said, "asks that we cancel her homework certificate because she has found that factory work pays better and that it is easier than working at home. This has been the experience of hundreds of homeworkers in the last year. It is our contention that, with the exception of relatively few aged or partially incapacitated homeworkers, or others who must care for invalids, most of the homeworkers in the State would be happier and better paid in factories." (Ibid)

One hundred and sixty applications for homework certificates had been filed(*) with the New York State Department of Labor by Cluett-Peabody and the homeworkers. (**)

Twenty certificates had been issued; 43 definitely rejected; 21 were being held pending a conference with the firm; and 76 applications were awaiting action by the State Department of Labor. Thirty-two individuals (or 74%) out of the forty-three who were denied permits were employed in the factory, and eleven were without work at the time of the investigation.

The Department of Labor investigators interviewed a total of sixty-two homeworkers who were quite representative of the entire group. Among them were a number who had been refused homework certificates; to some, permits had been granted. Others had applied and were awaiting definite action, etc. (***) Twenty-one women (out of the thirty-two who went into the factory) were visited, and all of those (eleven in number) who as just noted were reported idle at the time of the investigation. Of the twenty-one women visited who had gone into the factory: eight definitely preferred factory work because it was more steady--, wages and hours and working conditions were better; seven were not especially pleased with factory work mostly out of the fear that if they failed to make the code minimum the employer would discharge them, and also because of concern for their children. (****) Five of the twenty-one believed that the advantages

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(*) November 9, 1934

(**) On November 15,1934 there were 110 slip-stitchers in the factory and 103 doing his work at home. Only 20 out of the 103 had been given permits to do homework under the Executive Order; action on the applications of the others were pending. Nevertheless, they continued doing homework. (pp. Appendix G) Cluett-Peabody stopped giving out work to a homeworker only when her application had been definitely rejected by the State Department of Labor. (Dr. Green's letter to Mr.O. W. Rosenzweig, Chairman, NRA Homework Committee, November 8, 1934, in NRA Files) A number of applications, filled out in July and August 1934, were not received by the New York State Office until October; nevertheless, these employees were given homework in the period between making out the applications and filing them. That this was not strictly "according to the rules" (the Executive Order provided merely that "A person may be permitted to engage in homework ... if a certificate is obtained from the State Authority, etc."; not that homework may be permitted if an application is filed, etc.) was a detail that apparently went unnoticed.

(***) For the exact figures, see p.183 Appendix G.

(****) Some information presented here not found in Appendix G, was obtained by the writer in personal conversation with the investigators.

of factory work and of homework were about equally divided; one person was undecided. Among the eleven whose applications were rejected and who had not gone into the factory: two were pregnant and could not have continued their industrial homework beyond a few weeks; five were advised to make reapplications; one had no children and her only reason for wanting to continue homework was "to maintain social status" (*); one wanted factory work, but "had not been offered it";(**) and two were "unable or unwilling" to leave their children.

Particularly interesting was the fact that three women who had applied for homework certificates hoped their applications would be denied "because they preferred to work inside after hearing former homeworkers tell of the advantages of the factory..." (***) Of special interest, too, was the opinion expressed by the industrial engineer of the firm (Cluett-Peabody) that the "work can be done more efficiently under supervision and in regular hours."(****)

The investigators found that the problem of adequately providing for small children was considerably simplified in Troy (as compared with other cities) by the location in proximity to the factory, of two day nurseries. Both were adequately equipped (one, with a pediatrics clinic, two nurses, etc.) and charged nomical fees (no charge made for families on relief). When questioned about it, officials at the day nurseries and various social agencies in the city "were unaware...that the abolition of homework was creating any problems." (*****) Nevertheless, they declared themselves as "being opposed to the industrial homework system." The investigators learned also, that "only one application for relief had been received (by the city relief department - the only relief organization) from the families who had lost their homework."

After careful consideration of all the facts, in consultation with various members of the NRA Homework Committee, and others, the Chairman addressed a letter to Dr. Green of Troy, New York, which summarized the evidence presented by the special investigators, and closed with this statement: "in view of the findings of the Department of Labor inspectors, I cannot recommendany change in the Executive Order of May 15th" (******)

(*) See p. 177 Appendix E.
(**) Ibid.
(***) Ibid.
(****) Ibid., p. 3.
(*****) Ibid. p. 8.
(******) Letter to Dr. Crawford R. Green, Troy, N. Y., dated November 8, 1934, from O. W. Rosenzweig, Chairman, NRA Homework Committee.

This attempt to obtain a modification of the President's Order on homework concluded with a final reply from Dr. Green which read in part as follows:

> "The statistics which you have sent me from their (the U.S. Department of Labor investigators) reports are of no value in estimating the fundamental issue ... A careful analysis of the conditions as they exist in the industry and of your communication upon the subject leads me to the opinion that you are wrong in your premises, illogical in your deductions, and in error with regard to the conclusions you have reached.
>
> "I am, therefore, apparently compelled to publish the facts, and we will let the facts speak for themselves." (*)

Exceptions Under the Executive Order

Thus far, this Section has been devoted to a discussion of NRA's experience with the Executive Order on homework, the problems which emerged from that experience, the efforts made to solve these problems, and the pressure groups which had to be reckoned with in the administration of the Order. For practically an entire year, the Order remained in effect as issued.(**) During that time the NRA was under almost constant pressure to modify the Order in the direction of further relaxing code prohibitions of homework, i.e., further limiting the ambit of their application. That this was never done was due partly to NRA's unwillingness to change an industrial homework policy to which a number of industries had made a satisfactory adjustment, and partly to the inability of the petitioners or the pressure groups to prove that lowering the bars would contribute more to the success of the recovery program -- in the long run -- than prohibiting homework altogether and getting the work done in factories where regulations could be enforced.

What the administration of the Executive Order on industrial homework meant in terms of the number of certificates issued, refused, revoked, etc., has been summarized statistically by the Division of Labor Standards, U. S. Department of Labor. (***) Shortly after the machinery for certificating homeworkers exempted from code prohibitions was established and began functioning, the Department of Labor required the State issuing officers to furnish monthly reports. "While the reports sent in by the issuing officers are not in all cases absolutely complete," says the Division of Labor Standards, "it is believed that they do furnish a substantially accurate picture of the exceptions

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(*) Letter to Mr. O. W. Rosenzweig, Chairman, NRA Homework Committee, dated December 19, 1934, from Dr. Crawford R. Green, Troy, N.Y. A careful search through the Readers' Guide to Periodical Literature for the months between the date of this letter and the Schechter decision (May 27, 1935) fails to disclose any publication by Dr. Green on the subject of industrial homework.

(**) From May 15, 1934 to May 27, 1935 (Date of the Schechter Decision)

(***) Mimeographed report, "Exceptions to the Industrial Homework Prohibitions of NRA Codes," -- December 9, 1935.

that were granted." (*)

A total of 2,608 homework permits were issued in 23 states and in 45 industries, mainly the needle trades. In only a few states (**) did the number of certificates issued reach any substantial figure. Thus, New York was first with 1,428 permits granted; New Jersey second with 304; Pennsylvania third with 247; and California fourth with 220. All the other states issued less than 100 permits each. In only ten industries did the number of certificates equal 100 or more each. The list (***) follows:

NUMBER OF CERTIFICATES ISSUED AND REFUSED (****)

Men's Neckwear	807	523
Merchant and Custom Tailoring	220	73
Infants' and Children's Wear	192	131
Artificial Flower & Feather	160	151
Undergarment & Negligee	153	219
Men's Garters, Suspenders, etc.	141	141
Pleating, Stitching, & Bonnaz and Hand Embroidery	136	447
Toy & Playthings	121	150
Tag	113	43
Cotton Garment	113	100

In many industries out of the total the number of applications denied were about the same as the number granted, while in some instances the rejections exceeded the certificates granted.

(*) p. 6, op. cit.

(**) See Appendix H, Table I, for more complete tabulation: number of certificates issued, refused, revoked, and cancelled, by states.

(***) p. 7, op.cit. See Appendix H, Table II for more complete tabulation: Number of certificates issued, refused by code (industry) and state.

(****) Ibid.

D. CONCLUSIONS

The Executive Order on industrial homework established (under the direction of the U. S. Department of Labor) a rather elaborate machinery for the granting of exceptions from code prohibitions of homework. (*) Why, it may be asked, was the problem of industrial homework singled out for such special treatment? Perhaps the main reason was that the problem of homework was much simpler than most of the industrial problems with which NRA had to deal. Its comparative simplicity made it easier to define uniform standards or conditions for exceptions to code prohibitions of homework. (**) Further, industrial homework was one of NRA's lesser concerns; it represented a relatively small segment of the industrial problem as a whole. This is hardly a sufficient reason why the problem of homework was given special attention but it helps to explain why there was no objection raised when NRA gave the Department of Labor complete responsibility for the handling of these exemptions. It would have been difficult to imagine industry's accepting with equal complacence an effort by NRA to turn over to the Department of Labor the task of administering and enforcing all the wages and hours provisions in codes. (***)

Persistent Administrative Problems

In the State of New York (****) which led all others in the number of homework certificates issued and applied for, the failure of the U.S. Department of Labor to fix the number of certificates which could be issued to any one firm (*****) continued to be a troublesome question throughout the administration of the Executive Order on homework. Thus, in January, 1935, Miss Freida S. Miller of the New York State Department of Labor, wrote "... the greatest weakness of the present set-up for granting ... permits to special groups of women to do homework where the code prohibits it lies in the complete absence of a ... provision limiting the number or proportion of homeworkers that any manufacturer may

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(*) Several months before (February 17, 1934) by a similar order (No. 8606-F) the Department of Labor was placed in charge of exemptions from minimum wage provisions of codes for substandard workers.

(**) This is not intended to suggest that the homework situation was the same in every industry. Variations among "types" of industrial homework have been discussed in Chapter II.

(***) At one time or another during its life, some NRA officials considered this a pretty good idea. But clearly, it was not consistent with the belief of those who thought that the chief function of the NRA should be to develop "self-government" in industry rather than to regulate industry.

(****) Where homework seems to be a larger problem than in any other state.

(*****) As was done in the case of handicapped workers.

have." (*) "I believe that this permits a number of employers who wish to do so to undercut the provisions of their code," she said, "and I believe further that certain manufacturers in various industries are taking advantage of that possibility."

> "Under the President's Executive Order as it stands, (Miss Miller's memorandum continued) every applicant for a homework permit who can get a manufacturer to sign the joint application for her work, and who comes under the terms of the Order (i.e., is old and has habitually done homework, is herself disabled for factory work, or is essential to the care of an invalid in her home) must have a certificate issued to her. The manufacturer has two choices open to him. He can put into effect the intent of his code, make provision in his factory for the carrying on of the processes previously done at home and merely continue to give out work to the few homeworkers whom he has employed and who fall within the provisions of the President's Executive Order, or he may in one way or another collect a large number of women who have previously done homework in the industry and who are eligible for permits, and sign their applications.
>
> "There is, for example, a neckwear firm in New York City which has made provisions inside for four or five slip-stitchers. It signed the applications of thirty homeworkers, nineteen of whom were eligible for permits. Obviously, homework is still the customary mode of production of such a plant as compared with the manufacturer who has taken the code provision for its elimination seriously. We are forced to give this man an unfair competitive advantage in issuing certificates.
>
> "It was my original intention to refuse permits in such cases where I felt that if granted the individual manufacturer would still be relying ordinarily on homework to get out his product but the Federal Department of Labor has ruled that the Executive Order does not go far enough to justify any such practice since it requires that a permit be granted to each individual falling within (its) terms ..."

The experience of other states was similar to that of New York particularly with respect to the neckwear industry. The following statement bearing on such experience is taken from a report by the Pennsylvania Department of Labor:

> "The expected effect of the code prohibitions in reducing the number of homeworkers has been slightly offset by the granting of a few Special Industrial Homeworkers' Certificates for workers specially handicapped for factory employment ... The exemption system assumed dangerous proportions in a few industries.

(*) Memorandum to Miss Rose Schneiderman, Labor Advisory Board, NRA, from Miss Miller, New York State Department of Labor, January 25, 1935, Subject: Executive Order on Homework.

> The Men's Neckwear Industry now employs more than 30 per cent of the workers who have Special Industrial Home Workers' Certificates, although it employed only two per cent of the home workers reported in September 1933. Home work was prohibited by the Men's Neckwear Code beginning June 15, 1934, after the certificate system went into effect. In adjusting to the code prohibition of home work, many neckwear manufacturers have therefore sought exemption for the majority of their homeworkers instead of discarding home work altogether, as was done in the much larger Men's Clothing Industry. One firm, for instance, applied for certificates for 74 home workers, of whom but twelve were found to be eligible. Only by most careful investigation of each case has the Bureau of Women and Children kept the prohibition of homework from being nullified in the Neckwear Industry." (*)

The statement of the New York Labor Department official pointed to the need of limiting the number of homework certificates; the Pennsylvania report suggested the accomplishment of this end by "most careful investigation." Another State issuing officer raised the question whether any exemptions from code homework prohibitions should be granted. (**) The argument was that in allowing certain types of people to continue doing homework in an industry where it was prohibited by a code provision, "a loophole was left open for evading the code provision." When a manufacturer was permitted to give out homework to a few, there was little to prevent him from giving out work to more than those who had actually received certificates. If the manufacturer were not permitted to give out homework at all and if he tried to do so, it could more easily be detected. (***)

Nevertheless, the final report of the U.S. Department of Labor concluded that "the Executive Order was on the whole carefully administered by the State issuing officers." This was indicated "by the number of certificates that were refused." Furthermore, "The total number of certificates issued (2,802) indicates that the Executive Order did not result in a breakdown of the code homework prohibitions. The number is insignificant compared to the total numbers of homeworkers formerly attached to those industries. In Men's Clothing, generally recognized previously as the largest industrial homework industry, only 16 certifi-

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(*) pp. 9, 10, "Industrial Homework in Pennsylvania Under NRA," prepared by Bureau of Women and Children, Pennsylvania Department of Labor and Industry, March, 1935.

(**) This point, it will be remembered, was brought up at the Conference on Certification of Homeworkers, held in Boston, September, 1934. See "Administration of the Executive Order."

(***) From a personal memorandum dated September 18, 1935, to the writer by Miss Rae Needleman who was Supervisor for Illinois of Substandard and Homework Certificates.

cates were granted." (*)

While it was expected that certificated homeworkers would be paid "at the same rate of wages as is paid for the same type of work performed in the factory, etc., " (**) experience showed that very frequently, the particular process which was performed by the homeworker was not done in the factory. This gave rise to administrative difficulties (***) (devolving about the checking of wage rates by issuing officers) which, in the case of the Men's Garter, Suspender, and Belt Manufacturing Industry, were reduced when the Code Authority drafted for the New York Department of Labor a fairly complete catalog of processes done in the home with the rates for each process. Whether this could have been done in some of the other homework industries (****) is doubtful. Speaking on this point, Miss Miller of the New York State Department of Labor emphasized the fact that "these are style industries, in which any number of processes are done, on any number of kinds of material, with any number of different kinds and thicknesses of thread and beads and so forth. The detail is tremendous!" This, she observed, "makes it impossible for us to do the amount of home checking that would be necessary." (*****) These points, properly weighed, do not so much draw attention to a minor administrative problem that arose under the Executive Order, as they illustrate some of the difficulties inherent in efforts to regulate industrial homework.

Is Regulation of Homework Possible?

In an earlier chapter, it was indicated that the machinery set up under the Executive Order on homework might be viewed as "the first nation-

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(*) pp. 6, 7, "Exceptions to the Industrial Homework Prohibitions of NRA Codes," Mimeographed Report, Division of Labor Standards, U.S. Department of Labor, Dec. 9, 1935.

(**) See the Executive Order, ante, p. 64

(***) See statement of Miss Beatrice McConnell, Director, Bureau of Women and Children, Department of Labor Pennsylvania, p. 100, Vol. 1. (Day Session) First Day, Transcript of Hearing on Proposed Interpretation, Pleating, Stitching, Bonnaz and Hand Embroidery Industry, November 20, 1934. Also the statement of Miss Frieda S. Miller, of the New York State Department of Labor, p. 121, Vol. I, Part 1, Transcript of Hearing on Proposed Amendment to Code of Fair Competition, Pleating, Stitching, Bonnaz and Hand Embroidery Industry, New York City, January 31, 1935.

(****) Particularly where some of the innumerable varieties of hand embroidery were concerned.

(*****) Statement of Miss Frieda S. Miller, representing the New York State Department of Labor, p. 120, Vol. I, Part 1, Transcript of Hearing on Proposed Amendment to Code of Fair Competition, Pleating, Stitching, Bonnaz and Hand Embroidery Industry, New York City, January 31, 1935.

wide attempt to regulate industrial homework in this country." Further it was suggested that the results of this effort would throw light upon the question, "Is regulation of industrial homework possible?" Here is the answer of one state department of labor.

In a report entitled "Pennsylvania's Experience With Certificated Homeworkers," the Department of Labor of that state tells us that the purpose of its study was "to determine the extent to which the system of homework certification fulfilled its functions." (*) These functions were: "(1) to serve as a means of adjustment to a certain group of homeworkers, and (2) to set up certain standards within the home which would approximate factory conditions." (**) The material of the report was gathered from compliance investigations, and the conclusions were based upon an analysis "of the degree of violation of the terms of the certificates" and the Executive Order. (***) "Is it possible for a stringent regulatory system to control the conditions under which the homeworker is employed so that long hours, inadequate pay, and child labor do not persist? In short can sweatshop conditions in industrial homework be abolished as long as processing of articles in employee's homes continues?" This, according to the Pennsylvania Department of Labor is the key question which its study answers. (****)

For the purpose of the study, the period between June 26, 1934 to February 19, 1935 was taken, during which time a total of 197 certificates were issued. (*****) Investigations were made to obtain information on hours of work, weekly earnings, hourly earnings, and compliance.

One hundred and fifteen homeworkers reported on hours. 44 or 38.3% stated that they had worked more than forty hours a week of fifty-five hours or more. This, the report adds, was " a violation of the State Women's Law which permits no more than fifty-four hours a week. (******)

(*) p. 2, Mimeographed Report prepared by Bureau of Women and Children, Pennsylvania Department of Labor and Industry, Harrisburg, August, 1935.

(**) Ibid., p. 7.

(***) The reader would do well to keep in mind the careful safeguards which were set up to protect the homeworker against excessive hours, low wages, etc. See p. 64, et seq., "The Executive Order on Homework".

(****) Ibid., p. 2.

(*****) Ibid., p. 2. The same report states that a total of 256 certificates were issued to May 27, 1935. (p. 1) The final report of the U.S. Department of Labor lists Pennsylvania as third (after New York and New Jersey) with 247 certificates. (See Appendix H, Table I.)

(******) Ibid., p. 3.

While the median for the groups as a whole (37.5 hours) was lower than the median number of hours specified in the codes (40), the home-workers in some industries put in more hours per week than the codes permitted for factory employees. Thus the Toy and Playthings Industry made the "poorest showing" with a reported median of fifty hours weekly; the code for that industry permitted a maximum of forty hours per week. For Cotton Garment Industry homeworkers, the median was 42.1 hours; six hours more than the code maximum. The Blouse and Skirt Industry showed a median of 38.8 hours, three hours more than the maximum set by the code. (*) There is serious question, the report continued, whether it is "possible to control the working hours of homeworkers to effect higher labor standards within the industry as a whole and to lessen their own exploitation." (**)

One hundred and twenty-four certificated homeworkers reported on weekly earnings, the median of which was $10.11. "This figure is high for the earnings of a group of homeworkers," the report said, "yet it is less than the lowest (code) minimum for the industries covered." (***) The report continued:

> "The code for the Toy and Playthings Industry stipulated a minimum of $12. per week, the lowest of the group, while the minimum for the Blouse and Skirt Industry was $18.90, one of the highest in the group covered. Speaking in comparative terms, therefore, the median was not high. The reported median for the Cotton Garment Industry was as low as $7.50; Toy and Playthings showed a median of $5.00; the Set-up Paper Box Industry showed that its (home) workers were being paid $7.33 weekly, slightly more than half the stipulated code minimum of $13.00. The miscellaneous group, including undergarment and negligee, umbrella, hat manufacturing, underwear and allied products, pleating, stitching, and bonnaz and hand embroidery, came out with a median of $7.00. How meager these earnings are can be seen when compared with the minimum budget set by the Jewish Welfare Society of Philadelphia for a family of five (3 children and 2 adults). Nineteen dollars and five cents is considered the standard below which no family can exist and still maintain some semblance of health and decency. The budget of the Philadelphia County Relief Board, considering the same needs to be satisfied, is $14.50.
>
> "In view of these facts can even the most optimistic believe that homework wages will ever approximate the subsistence level?" (****)

(*) Ibid.

(**) Ibid.

(***) Ibid., p. 3.

(****) Ibid., p. 4.

Two types of violation were recorded by the Pennsylvania Department of Labor investigations: (a) violations of the U. S. Department of Labor regulations (or the conditions on which certificates were granted), and (b) violations of the State Women's and Child Labor Laws. "Approximately 79 out of every 100 certificates reporting, (*) were violated on one or more regulations. Information was obtained about 135 certificates of the 197 issued in the eight months period." (**) Of this number, in 107 instances (79.3%) the Department of Labor regulations were being violated; 60 (51.3%) involved violations of hours provisions. Of the 107 cases of violation, 25 (25.5%) showed violations not only of the terms of the certificates (Labor Department regulations), but also of the State Women's and Child Labor Laws. "Superficially the figure appears negligible," the report stated, "but consideration of the standards set by these two State Laws forces a different conclusion. The provisions and standards of these Laws are so low in comparison with the standards set by the codes that 25 certificates violated on the state law provisions, is a significant figure." (***)

> "It must be understood (The report continued) that these violations are only the reported ones. It is probable that in many instances violations occurred which were not reported to the investigators. In some instances the employer instructed the workers as to what to say when interviewed, and the instructions were carried out for fear of losing the work. In other cases the homeworkers themselves decided it would be better not to tell the whole truth. It was possible to detect so many violations only through subtle questions and a friendly approach.
>
> "Cases of non-compliance are not recorded for those who continued to work at home without certificates. It is probably true that there were many cases who managed to pass undetected by the investigators and worked at home without certificates. This phase of non-compliance is not within the scope of the present study." (****)

Commenting further on the question of compliance, the report declared that:

> "Although every homeworker and employer was informed of the regulations and terms of the certificates there were 79.3% of

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(*) That is, certificates on which reports were obtained.

(**) Ibid., p. 5.

(***) Ibid., p. 6.

(****) Ibid.

the certificates violated. In many instances the employer's non-compliance was due to the fact that employing a competent person to deliver the work and give instructions would have involved higher costs. Moreover, working out a schedule of the amount of work to be given to each employee would have required additional planning on the part of the employer. Therefore, we find the employer resisting the certificate regulations, because that (complying) would have meant invalidating the purpose for which homework was undertaken. Lessening the costs of production at the expense of the worker.

"Non-compliance on the part of the employee was due largely to economic pressure. Earnings would not even have approached their low level and almost subsistence level if the home-workers had not worked long hours and drafted their children to assist with the work." (*)

It will be recalled that the Pennsylvania Department of Labor saw two purposes in the Executive Order and the system it established for granting exceptions to code homework prohibitions. First, to provide "a means of adjustment" for a limited number of homeworkers; second, "to set up certain standards within the home which would approximate factory conditions." We may now ask, "How well did the Executive Order accomplish its purposes?"

"The first function is a relatively unimportant one, when considered from the point of view of the large masses of workers in the factory and homes. That the certificates aided that small group of workers in enabling them to work, is clear." (**)

"Did it accomplish its second purpose and its most important one?", the Pennsylvania report asked. And replied "Unconditionally, the answer is NO!" (***)

The report concluded as follows:

"Homework can never be regulated. This study proves the conclusion. Under the NRA an efficient staff of investigators was employed to control the number of workers at home, check for compliance, and report regularly on the situation. There were only 256 certificated homeworkers in Pennsylvania. Of this number, in a period of less than eleven months, 23 certificates were cancelled, 16 revoked, and 8 expired, after the temporary period for which they had been issued was over. In total figures, 47 were cancelled. If the NRA had been continued

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(*) Ibid., p. 7

(**) Ibid., p. 8

(***) Ibid.

more than 16 would have been revoked on the basis of non-compliance. Almost the entire number of certificates issued should have been revoked on the basis of non-compliance.

"No matter how stringent the regulations, how great the enforcement, how honest the investigators, the sweat shop conditions will continue to exist unless homework is abolished. The conditions which exist are an integral part of industrial homework and only when processing of articles in employees homes is abolished can the conditions growing out of this system of production disappear." (*)

The conclusions of the U. S. Department of Labor together with those of the Pennsylvania Department of Labor report may be accepted as a general appraisal of the Executive Order on homework, as well as an evaluation of the methods used in accomplishing its purposes. Though no other state has yet (January, 1936) taken the trouble to record its experience with homework under the NRA, the experience of the Pennsylvania Department of Labor may be taken as typical of all the states especially those in which homework is a considerable problem. As evidence we need only recall that the consensus of opinion at the Boston conference of certificating officers (**) was that industrial homework could not be regulated. And further that the conference as a whole adopted a resolution which declared that "the administration of the Executive Order has strengthened the conviction, long held by the State Labor Departments which have been in charge of State homework regulation, that industrial homework should be abolished."

(*) Ibid.

(**) See p. 73 et seq., "Administration of Executive Order."

APPENDICES

APPENDIX A

CLASSIFICATION OF NRA CODE HOMEWORK PROVISIONS

CODE NUMBER	INDUSTRY	HOMEWORK PROHIBITED: ON EFFECTIVE DATE	HOMEWORK PROHIBITED: ON SPECIFIED FUTURE DATE	HOMEWORK PROHIBITED: EXCEPT IN ACCORDANCE WITH EXECUTIVE ORDER 1/	LIMITATION OF HOMEWORK: REDUCTION OF NUMBER OF HOMEWORKERS	LIMITATION OF HOMEWORK: PROHIBITION OF A TYPE OF HOMEWORK	MISCELLANEOUS REGULATIONS: REGISTER OF HOMEWORKERS TO BE KEPT	MISCELLANEOUS REGULATIONS: INDIVIDUAL EXEMPTIONS PERMITTED BY CODE AUTHORITY OR ADMINISTRATOR	MISCELLANEOUS REGULATIONS: RATES FOR HOMEWORKERS FIXED OR TO BE FIXED	MISCELLANEOUS REGULATIONS: STUDY TO BE MADE	MISCELLANEOUS REGULATIONS: COVERING REGULATIONS TO BE SUBMITTED	MISCELLANEOUS REGULATIONS: COMPLIANCE WITH STATE, MUNICIPAL, ETC., LAWS AND REGULATIONS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
299	Academic Costume	X										
65	Advertising Specialty Manufacturing	X										
253	Animal Soft Hair	X										
355	Art Needlework Industry					X	X					
29	Artificial Flower and Feather		X	X								
510	Assembled Watch Industry			X								
254	Athletic Goods Manufacturing					X 2/			X	X		
286	Beauty and Barber Shop Mechanical Equipment Manufacturing	X		X								
505	Blackboard and Blackboard Eraser Manufacturing			X								
194	Blouse and Skirt	X										
535	Brattice Cloth Manufacturing									X		
360	Brush Manufacturing	X						X				
331	Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick and Wrapped Manicure Stick	X										
302	Candle Manufacturing Industry, & Beeswax Bleachers and Refiners	X										
451	Candlewick Bedspread								X	X 3/		
463	Candy Manufacturing	X										
333	Canvas Goods	X										
457	Cap and Cloth Hat Industry	X										
400	Celluloid Button, Buckle and Novelty Manufacturing	X										
135	Cigar Container	X										
549	Cigarette, Snuff, Chewing & Smoking Tobacco Manufacturing	X										
536	Chlorine Control Apparatus Industry & Trade									X		
551	Clock Manufacturing			X								
289	Cloth Reel Industry	X										
5	Coat and Suit Industry	X		X								
464	Cocoa and Chocolate Manufacturing	X										
245	Corrugated and Solid Fibre Shipping Container	X										
7	Corset and Brassiere	X										
118	Cotton Garment					X	X	X		X		
252	Cylindrical Liquid Tight Paper Container	X										
482	Dental Goods and Equipment Industry and Trade	X										
217	Dental Laboratory	X										
212	Drapery and Upholstery Trimming		X									
64	Dress Manufacturing	X										
220	Envelope Industry	X										
369	Expanding and Specialty Paper Products	X										
305	Fibre Can and Tube	X										
341	Fibre and Metal Work Clothing Button Manufacturing	X										
13	Fishing Tackle								X			
252	Flag Manufacturing		X				X 4/		X 4/			X 4/
296	Fluted Cup, Pan Liner and Lace Paper	X										
193	Folding Paper Box	X										
247	Food Dish and Pulp and Paper Plate	X										
310	Fresh Water Pearl Button Manufacturing									X	X	
436	Fur Manufacturing	X										
145	Furniture									X		
248	Glazed and Fancy Paper	X										
287	Graphic Arts (Trade Mounting and Finishing Division)	X										
554	Graphic Arts in Hawaii			X								
512	Grass and Fibre Rug Manufacturing			X								
294	Gummed Label and Embossed Seal		X									
293	Gumming Industry	X										
53	Handkerchief			X		X	X		X	X		
259	Hat Manufacturing	X										
16	Hosiery	X						X				
373	Infants' and Children's Wear					X					X	
164	Knitted Outerwear					X			X	X		
332	Ladies' Handbag Industry					X				X	X	
87	Leather and Woolen Knit Glove				X		X			X		
226	Light Sewing Industry					X		X				
412	Loose-Leaf and Blank Book Industry	X										
42	Luggage and Fancy Leather Goods	X										
175	Medium and Low Priced Jewelry	X										
15	Men's Clothing		X									
94	Men's Garter, Suspender and Belt Manufacturing Industry		X		X 4/		X 4/		X 4/			X 4/
363	Men's Neckwear Industry		X				X 4/		X 4/			
494	Merchant & Custom Tailoring		X	X			X 4/					
151	Millinery Industry	X										
312	Narrow Fabrics	X										
474	Needlework Industry in Puerto Rico					X	X	X	X	X		
79	Novelty Curtains, Draperies, etc. (Amendment 2)	X 5/										
370	Open Paper Drinking Cup	X										
260	Ornamental Moulding, Carving and Turning	X										
430	Package Medicine	X										
246	Paper Disc Milk Bottle Cap	X										
413	Pasted Shoe Stock		X									
361	Perfume, Cosmetic and Other Toilet Preparations	X										
290	Photographic Mount Industry	X										
208	Picture Moulding and Picture Frame Industry	X										
276	Pleating and Stitching		X				X 4/					
48	Portable Electric Lampshade (Amendment 1)			X								
216	Powder Puff Industry		X									
130	Precious Jewelry Products	X										
368	Print Roller and Print Block Manufacturing		X				X 4/					
283	Ready Made Furniture Slip Cover, etc.	X										
606	Retail Custom Millinery Trade	X										
211	Robe and Allied Products	X										
156	Rubber Manufacturing, Rainwear Division	X 5/										
301	Sample Card	X										
371	Sanitary Milk Bottle Closure	X										
342	Sanitary and Waterproof Specialty Manufacturing		X									
256	Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting Industry		X							X		
114	Scientific Apparatus	X										
167	Set-Up Paper Box Manufacturing		X									
444	Shoe Pattern Manufacturing		X									
262	Shoulder Pad Manufacturing	X										
177	Silverware Manufacturing	X										
214	Slit Fabric Manufacturing	X										
307	Stay Manufacturing		X									
492	Stereotype Dry Mat Industry			X								
249	Tag Industry		X				X 4/		X 4/			X 4/
374	Tanning Extract Industry	X		X								
86	Toy and Playthings		X									
362	Transparent Materials Converter Industry	X										
51	Umbrella Industry	X										
386	Umbrella Frame and Umbrella Hardware Manufacturing	X										
408	Undergarment and Negligee	X										
23	Underwear and Allied Products Manufacturing	X										
467	Used Textile Bag	X										
461	Vegetable Ivory Button Manufacturing									X	X	
178	Watch Case	X										
295	Waterproof Paper	X										
428	Welt Manufacturing			X								
41	Women's Belt Industry	X										
538	Women's Neckwear and Scarf Manufacturing			X 6/	X 6/		X			X	X	
291	Wood Cased Lead Pencil Manufacturing	X										
270	Wood Heel Industry	X										
40	Wiring Device			X								

1/ The Executive Order automatically applied to all codes which prohibited homework in the entire industry or in part of the industry, or which prohibited a type of homework. (See Column 7.) The codes checked in Column 5, however, definitely referred to the Executive Order. They were written after the Order was issued, or else they were amended to include some reference to it. These codes originally written with a homework provision alone and later amended to incorporate the provisions of the Executive Order, are checked in two Columns under the heading "Homework Prohibited," i.e., 3 or 4, and 5.

2/ All types of homework in the industry were prohibited except the sewing of low-grade base balls. This was permitted for a period of one year during which the other requirements designated above were intended to apply. However, when the year expired the industry obtained a stay of the provision "for a period of 60 days."

3/ By Administrative Order.

4/ These requirements were intended to apply only for a limited period until the homework prohibitions went into effect.

5/ In this instance, the prohibition of homework applied only to the Domestic Linens Branch of the Industry as defined in the Novelty Curtains, Draperies, Bedspreads and Novelty Pillow Industry Code. Similarly, the prohibition of homework listed for the Rubber Manufacturing Industry applied only to the Rainwear Division of the Industry.

6/ The Women's Neckwear and Scarf Manufacturing Industry Code has been difficult to classify. Column 5 has been checked not because the Code prohibited homework generally, with those few exceptions permitted by the Executive Order, but because the terms of the Order were incorporated in the homework provision of the Code. Column 6 is checked in spite of the fact that the code provision was aimed only indirectly at the reduction of number of homeworkers. Its primary purpose was to insure that at least half the output of an individual manufacturer would be produced in his factory. For the provision itself, refer to p.   , Appendix D.

APPENDIX B

LIST OF CODE HOMEWORK PROVISIONS(*)

Name of Industry, Amendments, Administrative Orders, and Effective Dates.	Text of Provision and Code Reference in Parentheses
Academic Costume Industry March 5, 1934	No work shall be carried on in homes or tenements or in unsanitary buildings unsafe on account of fire or dangerous to health. (Article II, Section 8.)
Advertising Specialty Mfg. November 13, 1933	On and after the effective date, no manufacturer shall permit any work to be done in the homes of workers, all work being done inside the factory. (Art. IV (d).
Animal Soft Hair Industry February 12, 1934	On and after the effective date home work in this Industry is hereby prohibited. (Art. VI.)
Art Needlework Industry Mar. 26, 1934.	All members of the Industry shall arrange to discontinue the system of homework by April 1, 1934. If however, this provision works an unreasonable hardship on any employer, he may, upon appeal to the Code Authority and subject to the approval of the Administrator, be allowed additional time up to a total of two months in which to complete its abolishment. This provision shall not prohibit home-work on the finishing of samples and display models not intended for resale, but the name and address of every employee so engaged shall be reported to the Code Authority. (Art. V, Sec. 6)
Amendment 2 Feb. 15, 1935.	Article VII, Section 4 is amended and the following clause is included in the amendment: "(4) Such facts regarding homeworkers as may be required by the Code Authority in drawing up and enforcing

(*) From a "Compilation of Homework Provisions in Approved Codes" By Pauline C. Gilbert and Nancy Jones, Labor Advisory Board, National Recovery Administration, May 6, 1935. Mimeographed, No. 7701. This report covers 556 Codes, 786 Amendments and 196 Supplements.

plans for homework rates and the control of homework."

Note: This information is to be sent in by all members of the industry, returns to be filed every four weeks. This homework clause comes under the heading "Wages and Hours of Labor."

Artificial Flower and Feather Industry
Sept. 25, 1933.

No homework shall be permitted after May 1, 1934. After January 1, 1934, no employer shall employ more than fifty percent (50%) of the number of homeworkers employed by him as of September 1, 1933.

2. Until May 1, 1934, no work shall be done in any home unless and until evidence has been presented to the Code Authority as agent for the Administrator, that all State, municipal, and other laws and regulations relating to homework have been complied with and unless the names and addresses of such home workers and their employers shall have been filed with the Code Authority.

3. The Code Authority shall file with the Administrator a list of the names and addresses of all home workers employed in the industry and shall indicate by whom all such home workers are employed.

4. No home worker shall be engaged at the same time by more than one employer.

5. All home workers shall be paid on the same piece-rate basis as factory employees engaged in similar work.

6. Copies of article III, (Hours of Labor), IV, (Rates of Pay), and VIII of this Code shall be supplied to all home workers. (Art. VIII).

Amendment 1.
Aug. 27, 1934

No manufacturing, assembling, or production work shall be performed nor be contracted for performance in any home, nor in any part of the living quarters of any employee or other person, except in accordance with the provisions of the Executive Order of the President, dated May 15, 1934. (Art. V, Sec. 6)

Assembled Watch Industry
Sept. 6, 1934

(1) A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided: (a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease or
(b) Such person is unable to leave home because his other services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease. (2) Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the trade or industry or subdivision thereof concerned the name and address of each worker so certificated. (Art. V, Sec. 7).

Athletic Goods Mfgr.
Feb. 12, 1934.

No employer shall permit work of any kind to be performed in any home or homes or outside of a factory, workshop, or the like, except that for a period of one year from the effective date of this code, 1 A-grade baseballs made with compressed cottonseed, or sweepings or compressed felt scraps and playground balls made from scrap felt or other similar cheap waste material may be sewed in a home or homes, provided, however, that the compensation therefor shall be not less than the rate of pay in effect on July 15, 1929, plus an increase of 20% and, provided further, that the rates of compensation to be paid for such work shall have the approval of the Code Authority and be uniform throughout the industry. Within 90 days after the approval of this Code, the Code Authority shall make or cause to be made a study of the practicability of elimination of homework insofar as possible and shall report

its findings to the Administrator, (Art. IV, Sec. 6)

Adm. Order 19
Feb. 21, 1935

Granted stay of provisions of Article IV, Section 6, insofar as said provisions prohibit homework on low-grade baseballs, for a period of 60 days from February 12, 1935.

Beauty and Barber Shop Mechanical Equipment Manufacturing
February 26, 1934

No homework shall be allowed and no work shall be done or permitted in tenements, private homes, basements , or in any unsanitary or unsafe building. (Art. V, Sec. 8.)

Amendment 2
April 15, 1935.

Amend Art. V, Sec. 1 to read as follows:

(a) 1. A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided (a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious desease; or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both persons are free from any contagious disease.

2. Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the Trade or industry or subdivision thereof concerned the name and address of each worker so certificated.

(c) No manufacturing operations shall be conducted or permitted in any unsanitary or unsafe tenements, private houses, basements, or in any unsanitary

	or unsafe building nor shall any labor be employed in any manufacturing or assembling operation or in repair work under conditions, or in buildings, that are unsanitary or unsafe.
Blackboard and Blackboard Eraser Manufacturing Industry Sept. 3, 1934	Homework in this Industry is hereby prohibited except in accordance with the Executive Order of the President No. 6711-A, dated May 15, 1934. (Art. IV, Sec. 7).
Blouse and Skirt Manufacturing. January 1, 1934	No home work shall be permitted by members of the industry. (Art. IV, Sec. 8).
Brattice Cloth Manufacturing Dec. 6, 1934.	The General NRA Code Authority shall submit to the National Industrial Recovery Board within ninety (90) days after the approval of this Basic Code a list of industries covered by the Basic Code, in which work on any part of the product is performed in the home and/or contracted out. The General NRA Code Authority may also submit a list of special problems affecting particular industries operating under the Basic Code, and recommendations pertaining thereto. (Art. IV, B, a, d.)
Brush Manufacturing Industry April 2, 1934	All homework in this Industry is hereby prohibited, except by specific permission of the Administrator in each individual case, and provided employees engaged in homework shall be paid the same wage rates that are paid for identical occupations in the shop. (Art. VI, Homework, Sec. 1)
Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick, and Wrapped Manicure Stick Industry March 26, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Section 8)
Candle Manufacturing and Beeswax Bleachers and Refiners Industry. March 5, 1934	No Manufacturer of the products of these industries shall cause or permit any part of the work of the production of his products to be performed at any place other than his or its factory premises, or those of another manufacture. (Art. V, Sec. 2.)

Candlewick Bedspread
June 11, 1934

The minimum scale of compensation for all Candlewick work done by home workers shall be: (a) 6¢ per ounce for 12 strand unfinished yarn worked on all light weight spreads 60/60 or under, with 25¢ as minimum for any pattern. 10¢ per ounce for 12 strand unfinished yarn worked on all heavy weight spreads over 60/60 with 30¢ as minimum for any pattern. For each additional color or tone above three, 5¢ shall be added on each spread. The price per ounce shall be doubled on all patterns where manufacturers or the pattern requires each stitch to be pulled up and cut separately and on all French knots. 12 strand yarn shall be the standard and any yarn with fewer strands shall be paid for as if its weight equalled the 12 strand.

(b) For hemming spreads workers shall receive at least 1¢ per spread.

(c) For laying off patterns from forms each worker shall receive at least 2¢ per spread.

(d) For fringing the minimum scale of compensation shall be 25¢ for single knot with 5¢ additional for each tie or knot. (Art. IV, Sec. 2)

No member of the Industry shall distribute material through haulers unless such haulers contract in writing not to accept from any home workers a compensation aggregating more than 15% of the amount received by such home worker for each finished product and in no event to accept a compensation of more than thirty cents (30¢) per spread. Such contracts shall further provide that haulers when delivering raw materials to workers should deliver them with a slip provided by the member of the industry and printed with his name thereon, specifying the number of ounces of yarn required for each pattern and the amount of compensation to be paid for each pattern. (See paragraph 3 and 4 of order approving this Code) (Art. V, Sec. 2)

Order approving Code
(Paragraph 3 and 4)

Provided that, upon application of the Candlewick Bedspread Association, the

provisions of Article IV, Section 2 of Said Code in so far as they provide for a compensation of eight cents (8¢) per ounce of yarn used for work on the 60/60 spreads and ten cents (10¢ per ounce of yarn used for work on the 64/64 spreads, be and they are hereby stayed until July 1o, 1934, on condition that in the interim members of the Industry pay to home workers not less that six and one-fourth cents (6¼¢) per ounce of yarn used for work on the 60/60 spreads and not less than eight cents (8¢) per ounce of yarn used on the 64/64 spreads, pending my furtner order;

And provided further that the approval of Article IV, Section 2 and Article V, Section 2 is limited to such period as may be necessary for a commission appointed by me upon recommendation of the Division of Research and Planning and the Labor and Industrial Advisory Boards to investigate the economic desirability of said provisions. It is proposed that such commission be immediately appointed by the Administrator and directed to report with all reasonable expedition and if possible by July 15, 1934. When such commission has reported, The Administrator will hold a public hearing on the reports and findings of the commission giving interested parties reasonable notice and opportunity to be heard. On the basis of such report and of the facts brought out at such public hearing, it is contemplated that these provisions and any other provisions in the Code, may be modified so as to meet existing conditions.

Administrative Order 2 July 2, 1934	Appointed Roswell W. Henninger as a Commission to investigate the economic desirability of Article IV, Section 2 and Article IV, Section 2 and Article V, Section 2.
Administrative Order 5 (*) Aug. 28, 1934	Granted continuation of stay of provisions of Ar. IV, sec. 2)Piecework rates for homeworkers).

(*) There is no trace of an Administrative Order before this which granted the stay in the first place. Probably this was done by the Deputy himself before any formal procedure had developed.

Administrative Order 6
October 3, 1934

Granted extension of stay of provisions of Article IV, Sec. 2, until Oct. 13, 1934 (piecework rates for homeworkers.)

Candy Manufacturing June 25, 1934	No member of the industry shall permit homework. (Art. V. Sec. 15)
Canvas Goods March 31, 1934	As a manufacturing process, the having of work done or labor performed on any awnings or tents or other canvas products in rooms used for living quarters is hereby prohibited. No work shall be done or labor performed in any unsanitary building, or under unsanitary conditions. (Art. VII, Sec. 11)
Cap & Cloth Hat June 18, 1934	No member of the Industry shall contract out any manufacturing or production work for performance in the home or in any part of the living quarters of any employee. (Art. V, Sec. 10)
Celluloid Button, Buckle & Novelty Manufacturing Industry April 30, 1934	No member of the Industry shall give out work to be performed in any home or dwelling place. (Art. V, Sec. 9)
Cigar Container December 11, 1933	Home work shall not be permitted. (Art. V. (e).
Cigarette, Snuff, etc. February 18, 1935	No member of the industry shall permit home work. (Art. V, Sec. 9)
Chlorine Control Apparatus Industry & Trade Dec. 28, 1934	The General NRA Code Authority shall submit to the National Industrial Recovery Board within ninety (90) days after the approval of this Basic Code a list of industries covered by the Basic Code in which work on any part of the product is performed in the home and/or work is contracted out. The General NRA Code Authority may also submit a list of special problems affecting particular industries operating under the Basic Code, and recommendations pertaining thereto. (Art. V, Sec. 4)
Clock Manufacturing Mar. 11, 1935	(1) A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor.

	such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided (a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease, or (b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease. (Art. V, Sec. 7)
Cloth Reel Industry February 26, 1934.	The manufacture or partial manufacture of any product of the Industry in the homes shall be prohibited. (Art. V, Sec. 8.)
Coat and Suit August 7, 1933.	No home work shall be allowed and no work shall be done or permitted in tenement houses, basements, or in any unsanitary buildings or buildings unsafe on account of fire risks. (Part Three - 4th Par.)
Amendment 1, August 30, 1934.	Except in accordance with the Executive Order of the President, dated May 15, 1934, no home work shall be alowwed and no work shall be done or permitted in homes or tenement houses, basements, or in unsanitary buildings, or in buildings unsafe on account of fire or dangerous to health. (Art. V, Sec. 8).
Cocoa and Chocolate Mfg. June 18, 1934.	No member of the industry shall permit home-work. (Art. V, Sec. 14).
Corrugated and Solid Fibre Shipping Container Industry February 12, 1934.	The manufacture or partial manufacture of any product of the Industry in the home of a worker shall be prohibited. (Art. V, (9).
Corset and Brassiere	No person shall employ workers except in his own plants. No home work shall be allowed. (Sec. 5 (b).

No person shall knowingly purchase materials to be used in his product which have not been made in a clean and sanitary factory, and it shall be stipulated on each purchase order that: "The material covered by this order must be manufactured in a clean and sanitary factory." (Sec. 5, (c).

Cotton Garment
Nov. 27, 1933

After three months from the effective date (November 27, 1933), no member of the industry shall have any sewing-machine work done on any garment or any part thereof in the private home of any worker, but all such sewing-machine work shall be done in the plant of the member of the industry producing such garment; provided, however, that any member of the industry may apply to the Cotton Garment Code Authority for exemption from the provisions of this Article for what is known in the trade as turning collars which have a laundry wash in the factory before shipping, provided, also, that homework on hand embroider, which is incidental to the manufacture of cotton garments, may continue, and that within three months the Cotton Garment Code Authority shall report on the homework problem so that the Administrator, after due notice and hearing, may determine whether or not this provision shall be changed. Each member of the industry shall report at once to the Cotton Garment Code Authority the names of any individuals employed under the provisions of this section and the reasons for such employment, and after the effective date, no member of the industry shall increase the number of persons so employed prior to July 15, 1933. (Art. VIII)

Cylindrical Liquid Tight
Paper Container
February 12, 1934

The manufacture or partial manufacture of any product of the Industry in home shall be prohibited.
(Art. V, (9)

Dental Goods & Equipment
Industry & Trade
July 16, 1934

No homework shall be allowed and no work be done or permitted in tenements, private houses, or in any unsanitary building, unsafe on account of fire risks.
(Art. 5, Sec. 5)

Dental Laboratory February 1, 1934.	All homework in this industry is hereby prohibited. (Art. IV, Sec. 10)
Drapery and Upholstery Trimming Industry Jan. 26, 1934.	Home work of any kind shall be permitted only for a period of one month after the effective date of this Code. (Art. V, Sec. 8)
Dress Manufacturing Industry November 6, 1933.	No work shall be carried on in homes or tenement houses, basements, or in unsanitary buildings, or in buildings unsafe on account of fire or dangerous to health. (Art. V, Section 8.)
Envelope Industry February 5, 1934.	The manufacture or partial manufacture of any product of this Industry in the home of a worker is hereby prohibited. (Art. III, (5).
Expanding and Specialty Paper Products April 9, 1934.	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec.8.)
Fibre Can and Tube March 5, 1934.	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 8.)
Fibre and Metal Work Clothing Button Manufacturing March 27, 1934	No homework shall be permitted by members of the Industry. (Art. V, Sec. 7.)
Fishing Tackle Aug. 29, 1933.	Homeworkers and workers whose remuneration is dependent upon quantity and/or quality of production shall in no case receive less than the above specified hourly rate of pay (35¢). Art. II, Sec. 3 (b).
Flag Manufacturing April 5, 1934.	1. No home work shall be permitted by employers after June 1, 1934. After April 1, 1934, no employer shall employ more than sixty percent (60%) of the number of home workers employed by him as of September 1, 1933. (Art. X) 2. Until June 1, 1934, no work shall be permitted in any home by employers unless and until evidence has been presented to the Code Authority, as agent for the Administrator, that all State,

	municipal, and other laws and regulations relating to home work have been complied with and unless the names and addresses of such home workers and their employers shall have been filed with the Code Authority.
	3. The Code Authority shall file with the Administrator a list of the names and addresses of all home workers employed in the Industry and shall indicate by whom all such home workers are employed.
	4. No home workers shall be engaged at the same time by more than one employer.
	5. All home workers shall be paid on the same piece-rate basis as factory employees engaged in similar work.
Fluted Cup, Pan Liner and Lace Paper Industry February 26, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 8.)
Folding Paper Box January 8, 1933	The manufacture or partial manufacture of any product of the Industry in the home of a worker shall be prohibited. (Art. V, (9).
Food Dish and Pulp and Paper Plate Industry February 12, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, (9).
Fresh Water Pearl Button Manufacturing Industry March 12, 1934	The Code Authority shall study the problem of homework in this Industry and propose to the Administrator, not longer than five (5) months after the effective date of this Code, appropriate provisions for the regulations and control of such homework, and when approved by the Administrator, shall become binding upon all members of this Industry. (Art V, Sec. 7).
Fur Manufacturing May 28, 1934	No manufacturing or production work shall be contracted for performance in the home of an employee. (Art. V, Sec. 11.)
Furniture Dec. 18, 1933	Within sixty days after this Code goes into effect the Code Authority shall investigate and report to the Administrator concerning the question of homework. (Art VI, Sec. 3)

Glazed and Fancy Paper February 12, 1934	The manufacture or partial manufacture of any products of the Industry in homes shall be prohibited. (Art. V, Sec. 9).
Graphic Arts (Trade Mounting & Finishing Division) February 26, 1934	All labor shall be performed in the establishment's plant and no home work shall be allowed. Section 22-B (Sec. c).
Graphic Arts in Hawaii April 6, 1935	Prohibition of Home Work. - All labor shall be performed in an establishment's plant and no home work shall be allowed, except in accordance with the provisions of the Executive Order of the President, No. 6711-A, dated May 15, 1934.
Grass & Febre Rug Mfg. Sept. 19, 1934	No member of the Industry shall employ any person or persons to manufacture, in whole or in part, any product of the industry in the home, except in accordance with Executive Order, May 15, 1934. (Art. V, Sec. 7).
Gummed Label and Embossed Seal Industry February 26, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited, provided however that members of the Industry who are now employing home workers shall have until May 1, 1934, to adjust their operation. (Art. V, Sec. 8)
Gumming Industry February 26, 1934	The manufacture or partial manufacture of any product of the Industry in the house shall be prohibited. (Art. V, Sec. 8.)
Handkerchief October 19, 1933	On and after January 1, 1934, the manufacture or partial manufacture of handkerchiefs at home shall be prohibited, except that handkerchiefs made entirely by hand may be manufactured at home. The manufacture and processing of handkerchiefs on which the labor cost of the hand operation is equal to sixty percent (60%) or more of the total labor cost of the finished handkerchief, shall not be bound by the provisions of Sections 1, 4, 7 and 8 of this Article, provided that the wholesale price of such handkerchiefs is not less than three dollars and fifty cents ($3.50) per dozen. The Code Authority shall study the geographical distribution of members of the industry coming

within the privilege of this exception and shall make to the Administrator recommendations for confining the privileges of this exception within a certain geographical range or ranges. Any member of the industry coming within the privilege of this exception shall not manufacture, or cause to be manufactured, any handkerchiefs, either in whole or in part, elsewhere than within the Continental portion of the United States and sell the same in the Continental portion of the United States unless he shall clearly specify the place of manufacture on each handkerchief so manufactured. (Art. IV, Secs. 8-9, Art. VI, Sec. 4 (6)).

Code Authority given power: "To study the problem of homework in this industry and to recommend to the Administrator appropriate means for its effective regulation and control."

Amendment 2
October 3, 1934

Amend Article IV, Section 8 by deleting the present Section and substituting therefor the following:

(a) Except as hereinafter provided, no member of the industry shall manufacture or finish or cause to be manufactured or finished any handkerchief by means of home labor, except that handkerchiefs made entirely by hand may be manufactured at home.

(b) Anything to the contrary herein notwithstanding, a person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a homeworker's certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided:

(1) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(2) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease, or because of the necessity of caring for minor children or dependents unable to leave home.

Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority the name and address of each worker so certified. (Art. IV, Sec. 3 as amended).

Amend Article IV, Section 3 by deleting the present section and substituting therefor the following: 3. Each member of the industry shall file with the Confidential Agency of the Code Authority duly certified schedules of rates of pay for piecework production for each type of standard operation in force in his plant (including homework, if any and where permissible), and shall advise said Agency of any change or alteration which may at any time be made in such schedules. Said Confidential Agency shall report to the Code Authority, under key numbers, all such schedules, in order that the Code Authority may be kept informed as to the observance or non-observance of this Code. Unless ordered by the National Industrial Recovery Board, said Confidential Agency shall in no case disclose the name of anyone to who any key number may have reference.

Administrative Order
(Included in Amendment)

IT IS ORDERED FURTHER: that there shall be created forthwith a Special Commission composed of three members, one of whom shall be nominated by the Labor Advisory Board of the National Recovery Administration, one by the Division Administrator of the Textiles Division of the National Recovery Administration, and one by the Code Authority for the Handkerchief Industry. Said Commission shall study and investigate the production of handkerchiefs by means of hand sewing and hand embellishment in the home, and shall submit to the National Industrial Recovery Board, within forty (40) days from the date hereof, a report containing

findings with recommendations for minimum piece work and/or hourly rates for hand sewing and hand embellishment in the home, which recommendations, upon the approval of the National Industrial Recovery Board, shall become effective as part of this Code. Pending the report of said Commission and the approval of any recommendations thereof by the National Industrial Recovery Board, as amended, shall be stayed, insofar as the provisions of said Section may apply to hand sewing and hand embellishment in the home. (Order) Created Special Commission to study and investigate the production of Handkerchiefs by means of hand sewing and hand embellishment in the home, and extended the time in which this was to be done.

Administrative Order 14
Feb. 4, 1935

Administrative Order 22
Mar. 21, 1935

Extended to May 10, 1935, the time within which the Special Commission shall make a report of its findings.

Hat Manufacturing
February 19, 1934

No merchandise shall be manufactured by 'Home work'.
(Article IV, (7).

Hosiery
Sept. 4, 1933

All productive operations shall be carried on on the premises of a plant, this being understood to specifically prohibit the farming out of work to be done in private homes or elsewhere than in a plant. Exceptions in the cases of individual workers, may be granted where the proofs show that the worker can only work at home, and requires such work as a means of livelihood. Permits for exceptions shall be procurable from the Code Authority which will prescribe the manner and conditions under which they shall be considered.
(Art. VI (1)).

Infants' and Children's Wear
Apr. 9, 1934.

No member of the Industry shall employ home labor for the performance of home work on sewing machines.
Section 9. The Code Authority shall, within (6) months of the effective date of this Code recommend to the Administrator

appropriate means for the regulation and control of such homework in this industry as is not provided for in Section 3 of this Article.
(Art. V, Sec. (3).

Knitted Outerwear
Jan. 1, 1934.

No Knitted Outerwear products shall be manufactured at home for sale or other commercial purpose, except that for the period of one year after the effective date of this Code hand knitting (which shall include hand crocheting, hand embroidering, and hand sewing together of machine-made parts of garments), will be permitted when performed in accordance with regulations and/or piece rates which may be established as herein provided.

Anything contained in Article IV of this Code to the contrary notwithstanding, the Administrator may fix, on or before January 15, 1934, after notice to the Code Authority, and may change from time to time after like notice, minimum piecework rates for any of the operations described in paragraph (a) of this Article.

The Administrator shall appoint a Hand-Knitted Division Committee of seven, three of whom shall be fairly representative of the hand-knit manufacturers, three fairly representative of the machine manufacturers and recommended by the Code Authority, and one representing the Administrator. This Committee shall report to the Administrator within thirty (30) days after the effective date of this Code or within such further time as may subsequently be allowed by the Administrator or his Deputy, with respect to proper minimum piecework rates and shall make a study of and report within six months from the effective date of this Code, upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers.
(Art. VI (a) - (c)

Administrative Order 9
Apr. 30, 1934

Appointed Hand Knitted Division Committee to report on piece rates for homeworkers, and to report on the practicability of discontinuing homework in the Knitted Outerwear Industry.

Administrative Order 36
Feb. 4, 1935

Hugh S. Johnson
Administrator for Industrial Recovery

Granting Application for a Stay of the Provisions of Section (a) of Article VI, insofar as They Apply to Hand Knitting as Described in Said Section; and Section (b) and (c) of Article VI, and Approving Regulations for Homework Production.

WHEREAS, the Code of Fair Competition for the Knitted Outerwear Industry provided for a Hand Knitted Division Committe, which Committee was to have studied and reported to the Administration its recommendation for minimum piece work rates applicable to homework production in the Industry, and further to have reported upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers; and

WHEREAS, the Hand Knitted Division Committee has rendered a report to the Administration, and

WHEREAS, hearings having been duly held thereon, and the Deputy Administrator having reported, and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act; and

WHEREAS, Regulations for Homework Production have been submitted by the Code Authority to the National Industrial Recovery Board for its revision, modification, and approval;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, the attached Regulations are hereby approved; and it is hereby ordered that the provisions of Section (a) of Article VI of the Code of Fair Competition for the Knitted Outerwear Industry, insofar as they prohibit the manufacture in homes, for sale or other commercial purposes, of the products of hand knitting (which includes hand crocheting, hand embroidery, and hand sewing together of machine made

parts of garments) on and after January 1, 1935, and Sections (b) and (c) of Article VI, be and they are hereby stayed for the period from the date of this Order to April 1, 1935;

PROVIDED, HOWEVER, that the members of the Industry engaged in homework production in the Knitted Outerwear Industry comply with the provisions of the said Code and The Regulations attached hereto; and

PROVIDED, FURTHER, that a Homework Commission of three (3) members shall be appointed by the National Industrial Recovery Board, which shall consist of one (1) representative from the Division of Research and Planning of the National Recovery Administration, who shall be Chairman, one (1) representative from the Labor Advisory Board of the National Recovery Administration; and one (1) representative to be selected by the Code Authority by the Knitted Outerwear Industry. The duties and powers of the Homework Commission shall include the collection, assembling, and analyzing of all information, data and facts relative to and concerning Homework Production in the Knitted Outerwear Industry, and to make reports and recommendations to the National Industrial Recovery Board on or before April 1, 1935, relative to the most practical method of enforcing the provisions of Article VI of this Code, or as required by the National Industrial Recovery Board; and

PROVIDED, FURTHER, that the Code Authority of the Knitted Outerwear Industry shall administer and enforce the Regulations attached hereto for Homework Production, and shall render to the Homework Commission such information, data, and reports as the Homework Commission may require from time to time, and assist the Homework Commission generally. The actions and functions of the Code Authority and/or its agencies with regard to the enforcement of the Regulations for Homework Production

shall at all times be subject to the approval, supervision, and direction of the Homework Commission. The Homework Commission shall also have the right to participate in any of these actions of the Code Authority and/or its agencies with respect to Homework Production.

This Order is subject to revocation upon proper showing of cause or subsequent order.

National Industrial Recovery Board

By W. A. Harriman /S/
W. A. Harriman
Administrative Officer

Approval Recommended:

PRENTISS L. COONLEY /S/
Prentiss L. Coonley
Division Administrator

February 4, 1935

Administrative Order 38

O R D E R
CODE OF FAIR COMPETITION
FOR THE
KNITTED OUTERWEAR INDUSTRY

Appointment of Members of the Homework Commission for the Hand Knitted Division of the Knitted Outerwear Industry.

WHEREAS, Administrative Order No. 164-86, Staying the Provisions of Section (a) of Article VI of the Code of Fair Competition for the Knitted Outerwear Industry, provides that the National Industrial Recovery Board shall appoint a Homework Commission of three members, which shall consist of one (1) representative from the Division of Research and Planning of the National Recovery Administration, who shall be Chairman; one (1) representative from the Labor Advisory Board of the National Recovery Administration; and one (1) representative

to be selected by the Code Authority for the Knitted Outerwear Industry;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that William H. Dillingham, representing the Division of Research and Planning of the National Recovery Administration, Miss Rose Schneiderman, rerpresenting the Labor Advisory Board of the National Recovery Administration; and Harold R. Lhowe, representing the Code Authority for the Knitted Outerwear Industry are hereby appointed members of the Homework Commission for the Knitted Outerwear Industry to serve pursuant to the provisions of Administrative Order No. 104-36. It is further ordered that William H. Dillingham is hereby appointed Chairman of said Committee.

NATIONAL INDUSTRIAL RECOVERY BOARD

By W. A. Harriman /S/
W. A. Harriman
Administrative Officer

Appointment Recommended:

PHELPISS L. COOLEY /S/
Division Administrator

Washington, D. C.
February 12, 1935.

Administrative Order 41
Feb. 27, 1935

Extending stay of provisions of Article VI, Sections (a), (b) and (c) granted in Order 36 until May 15, 1935.

Ladies Handbag Industry
Mar. 26, 1934.

No member of the industry shall give out work to be performed in any home or dwelling place, except that this prohibition shall not apply to handbeading, handcrocheting, handembroidering, and except that hand sewing at home shall be permitted until July 1, 1934, but shall not be permitted thereafter. The Code Authorities shall, in conjunction with such State governments and such departments of the Federal Government and such other agencies as the Administrator may

designate, study and investigate the problem of home work in this industry and shall make to the Administrator recommendations for the effective and appropriate control of such homework as is herein permitted. Should the Administrator find it to the best interest of the industry or to the best interests of labor or otherwise necessary to further effectuate the purposes of the Act, he may further effectuate the purposes of the Act, he may further restrict, or wholly prohibit, the practice of homework in this Industry.
(Art. V, Sec. 10).

Leather and Woolen Knit Glove Industry
Nov. 13, 1933

For the purpose of eliminating home work in the industry as rapidly as possible, within six (6) months after the effective date hereof, employers shall reduce their outside work by at least twenty-five percent (25%) of sewing machine operators, taking as a basis for reduction the number of outside workers as of the effective date hereof. Within one (1) year after the effective date hereof, employers shall effect a further reduction of outside work by at least another twenty-five percent (25%), taking as a basis for reduction of outside work by at least another twenty-five percent (25%), taking as a basis for reduction the number of outside workers as of the effective date hereof.

Within one (1) year after the effective date hereof, the Code Authority shall conduct investigations and make recommendations to the Administrator designed to eliminate outside work completely, which recommendations when approved by the Administrator shall have full force and effect as provisions of this Code.

From the date of approval of this Code, no additional outside operators shall be employed and no employer shall increase outside work for the purpose of evading the provisions of this Code. Employers shall register with the Code Authority the names of all outside workers.
(Art. V, Sec. 9)

Light Sewing Industry
Feb. 2, 1934.

No employer shall have work done or Labor performed on any article produced in this Industry in the home of a worker, except handwork only as follows:

(1) Candlewick spreads
(2) Hand quilted textiles for a period of six months, but thereafter only if specifically exempted by the Administrator.
(Art. V, (9).

Loose Leaf and Blank Book May 14, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. VI, Sec. 8.)
Luggage and Fancy Leather Goods October 13, 1933	Home work in any branch of this industry is hereby prohibited, nor shall any work be permitted by the employer to be performed in tenement houses, basements, or in any unsanitary building. (Art. VI, Sec. (5).
Medium and Low Priced Jewelry Manufacturing Industry December 24, 1933	Employers in this industry shall not directly or indirectly permit work of any kind to be done in the home or homes. (Art. VI.)
Men's Clothing Industry Sept. 4, 1933	Three (3) months after the effective date (September 11, 1933) a manufacturer shall not be permitted to have work done or labor performed on any garment or part thereof in the home of a worker. All work done for a manufacturer on a garment or part thereof shall be done in what is commonly known as an inside shop or in a contracting shop. (Art. III)
Men's Garter, Suspender and Belt Manufacturing Industry Nov. 19, 1933	No home work shall be permitted by employers after May 1, 1934. After March 1, 1934, no employer shall employ more than sixty percent (60%) of the number of home workers employed by him as of September 1, 1933. Until May 1, 1934, no home work shall be permitted by employers unless and until evidence has been presented to the Code Authority, as agent for the Administrator, that all State, municipal and other laws and regulations relating to home work have been complied with and unless the names and addresses of such home workers and their employers shall have been filed with the Code Authority. The Code Authority shall file with the Administrator a list of the names and addresses of all home workers employed in the industry and shall indicate by whom all such home workers are employed. No home worker shall be engaged at the same time by more than one employer. All home workers shall be paid on the same piece-rate basis as factory employees engaged in similar work. Copies of Article II, III, and VIII, of this Code shall be supplied to all home workers. (Art. VIII)

Men's Neckwear Industry April 2, 1934	On and after June 15, 1934 no home work shall be permitted by members of the Industry. Prior to that date no member of the Industry shall: (1) Increase the number of home workers employed by him or make any replacements of home workers. (2) Fail to list with the Code Authority within ten (10) days after the effective date, the names and addresses of all home workers employed by him. (3) Employ any home worker on a piece rate basis less than that provided for in the Code for same or similar operations. (4) Issue home work except directly to the individual who performs the productive operations thereon. (Art. IV, Sec.1)
Merchant & Custom Tailoring Aug. 10, 1934.	Home Work. -- The practice of manufacturing in the home or living quarters of an employee shall be terminated not later than four (4) months after the effective date of the Code; except as provided in the Executive Order of May 15, 1934. In the meantime and until such termination the following rules and regulations shall govern the members of this Industry in relation to homework. (a) No member of the Industry shall permit homework in any home not used by such member for such purpose on the effective date of the Code. (b) Every member of the Industry shall file with the Code Authority a list of such home work establishments. (c) Every member of the Industry shall be personally responsible for the compliance by an employee, working in his home, with all the labor provisions of this Code. (Art. V, Sec. 8)
Millinery Industry(*) December 25, 1933	No member of the industry shall permit work to be done in any homes or tenement houses, basements, or in any unsanitary building. (Art. V, (8),
Narrow Fabrics March 12, 1934	The having work done or labor performed on any product of the Industry in the home of a worker shall be prohibited. (Art. V, Sec. 8.)
Needlework Industry (in Puerto Rico) July 19, 1934	No member of the Industry shall allow any stamping, cutting, washing, pressing, folding, ribboning, ticketing or machine sewing in a home on products of this Industry. Members of

(*)NOTE: This Homework Provision, due to an error, was omitted from the Millinery Code when it was reprinted.

the Industry may, however, employ workers who have been employed at machine sewing in homes during the year immediately preceding the approval of this code, to do machine sewing at home on those machines owned by home workers as of the date of approval of this Code upon which they have theretofore done such machine sewing, provided every such home worker is registered with the Code Authority, and provided further that the machine used by such home worker is registered with the Code Authority as provided for in Article VII, Section 8 (i) of this Code. All work done in homes on sewing machines must be paid for at a rate not less than the rate for similar work done in the factory and in no case at less than a rate of $5.00 per week of forty (40) hours.

The Administrator shall appoint a Commission, on or after the effective date of this Code, to study the Community Work Room plan, and if that plan is not adjudged to be feasible to propose an alternate plan the object of which shall be to take from homes to Community Work Rooms or Factories as many home workers as practicable. The commission shall report its findings on the Community Work Room or alternate plan within ninety (90) days after its first meeting. (Art. V. Secs. 7 and 8)

Administrative Order 9
Dec. 22, 1934

Granting conditional exemption from provisions of Art. IV. Sec. 3, and modifying piece work rates for homeworkers.

Administrative Order 11
Jan. 23, 1935

Supplementing Orders 9 and 11, which granted conditional exemption from provisions of Art. IV, Sec. 3, and modified piece work rates for homeworkers.

Administrative Order 13
Jan. 8, 1935

Supplementing Order 9, which granted conditional exemption from provisions of Art. IV, Sec. 3, and modified piece work rates for homeworkers.

Administrative Order 15

Supplements Orders 9-11-13 which granted conditional exemption from provisions of Art. IV, Sec. 3 and modified piecework rates for homeworkers.

Novelty Curtains, Draperies, etc. Amendment 2
Aug. 24, 1934.

Article V amended:
The doing of work or the performance of labor on any product of the Domestic Decorative Linens Branch of the Industry in the home of a worker shall be prohibited. (Art. V, Sec. 9).

Open Paper Drinking Cup and Round Nesting Paper Food Container April 9, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V. Se. 8.)
Ornamental Molding, Carving, and Turning Industry February 19, 1934	No member of the industry shall permit any product of the Industry to be made in the home of any worker. (Art. V, Sec. 1.)
Package Medicine May 28, 1934	No homework shall be allowed in this industry. (Art. V, Sec. 8.)
Paper Disc Milk Bottle Cap February 12, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 9.)
Pasted Shoe Stock Industry May 13, 1934.	No home work shall be permitted after August 1, 1934. (Art. IV, Sec. 6.)
Perfume, Cosmetic and Other Toilet Preparations April 2, 1934	No home work shall be allowed in this industry. (Art. V, Section 8.)
Photographic Mount Industry February 26, 1934	The manufacture or partial manufacture of any product of the industry in the homes shall be prohibited. (Art. V, Sec. 8.)
Picture Moulding and Picture Frame Industry January 29, 1934	No member of the industry shall permit any work in the industry to be performed in the home of any worker. (Art. V. Sec. 8.)
Pleating and Stitching, Bonnaz and Hand Embroidery Feb. 19, 1934	All homework in the industry shall be abolished not later than June 1, 1934. By May 1, 1934, the Code Authority, after proper investigation and conference shall recommend to the Administrator the wage scale that should be paid to the classes of workers taken into the factories from homework which upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code. Prices for articles done by homeworkers, until June 1, 1934 shall be determined by the basis of a minimum hourly rate of 35¢. Within one month after the effective date of this Code, every employer shall register with the Code Authority the name and address of each person who performs homework for said employer, directly or indirectly, and no work shall be given by any employer to such person unless said person's name is register with the Code Authority. (Art. IV, Sec. 7)

Portable Electric Lamoshade, Supplement 2, Electrical Mfg., Amendment 1. Approved Feb. 12, 1935. (Homework clause not to become effective for 90 days).	Homework. No employer shall manufacture or cause to have manufactured in whole or in part any of the products of this subdivision in the home, premises or living quarters of any person, provided, however, (1) A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided (a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or, (b) Such person is unable to leave home because his or her services are absoltely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease. (c) Any employer engaging such a person shall keep such certificates on file and shall file with the Supervisory Agency the name and address of each worker so certificated. (Art. XIV.)
Powder Puff Industry Jan. 27, 1934	All members of the industry shall arrange to discontinue the system of homework by February 1, 1934. (Art. V, Sec. 7)
Precious Jewelry Producing Industry November 30, 1933	On and after the effective date of this code home work in this industry shall be prohibited. (Art. V.)
Print Roller and Print Block Manufacturing Industry April 9, 1934	After May 1, 1934, no employer shall have work done in the home of a worker. Within one month after the effective date of this Code, every employer shall register with the Code Authority the name and address of each person who performs homework for said employer, directly or indirectly, and no work shall be given by any employer, to such person unless said person's name is registered with the Code Authority. (Art. VIII.)
Ready-made Furniture Slip Covers Manufacturing Industry February 26, 1934	Members of this industry shall not permit work of any kind to be done in the home or homes either directly or indirectly, or by contracts with those who let out work on subcontracts. (Art. VI.)

Retail Custom Millinery Trade February 4, 1935	No member of the Trade shall work, or permit any work to be done for him, in any building, home, tenement house, cellar, or other place which is unsanitary, dangerous or detrimental to health, or unsafe by reason of fire risk, or other hazard. (Art. VI, Sec. 4.)
Robe and Allied Products January 29, 1934	Home work is strictly prohibited. (Art. V, Sec. 9.)
Rubber Manufacturing Industry Rainwear Division December 25, 1933	No member of the Division shall permit or allow the processing or manufacturing of any of his products except within his own plant or plants and/or the plants of registered contractors, as provided in Article I V-B. In particular but without limitation, it is hereby provided that no part of such processing or manufacturing shall be done in the homes of any employees. (Art. IV, Part D, Sec. 1.)
Sample Card March 5, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 8.)
Sanitary Milk Bottle Closure April 9, 1934.	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 8.)
Sanitary and Waterproof Specialty Manufacturing Mar. 26, 1934	No home work shall be permitted by employers ninety (90) days after the effective date of this Code. (Art. X)
Schiffli, The Hand Embroidery, and the Embroidery Thread and Scallop Cutting Industries Feb. 12, 1934	After six (6) months from the effective date of this Code no member of the industry shall give out work to be done in homes. Prior to that date, the Code Authority shall gather facts regarding the operation of homework in the industries under this Code and shall make recommendations to the Administrator, who, after due hearing, shall determine whether the above prohibition shall be modified, cancelled or continued. (Art. IV, Sec. 2.)
Scientific Apparatus November 27, 1934.	All home work is prohibited after the effective date of this Code. (Art. IV. 7.)
Set-Up Paper Box Manufacturing Industry Jan. 1, 1934	After January 1, 1934, the manufacture or partial manufacture of any product of this industry in the home of a worker shall be prohibited. (Art. V, Sec. 4.)

Shoe Pattern Manufacturing Industry June 5, 1934	No work shall be done or permitted in tenement, private houses, basements or in any unsanitary buildings or buildings unsafe on account of fire risks. No home work shall be permitted after September 1, 1934. (Art. IV, Secs. 5 and 6)
Shoulder Pad Manufacturer February 15, 1934.	No home work shall be permitted by members of the industry. (Art. III, (7).
Silverware Manufacturing Industry December 25, 1933.	No member of the Industry shall distribute or permit to be distributed, directly or indirectly work of any kind to be done in home or homes. (Art. VI.)
Slit Fabric Manufacturer January 29, 1934.	No home work shall be permitted by members of the industry. (Art. III, (7).
Stay Manufacturing Industry Mar. 8, 1934.	No homework shall be permitted in this industry after June 1, 1934. (Art. V, Sec. 6)
Stereotype Dry Mat Industry Aug. 6, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited, except in accordance with the provisions of the Executive Order of the President, dated May 15, 1934. (Art. V. Sec. 7).
Tag Industry Feb. 12, 1934	The manufacture or partial manufacture of any product of the industry in homes shall be prohibited after May 1, 1934. (Art. V, Sec. 9)
Amendment 1, Nov. 4, 1934	The manufacture or partial manufacture of any product of the industry in Homes is prohibited after January 1, 1935. Prior to January 1, 1935, the following provisions shall govern home work in the Industry: (a) within five (5) days after the effective date of this amendment, the Code Authority shall prescribe a schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such schedule prescribe rates which will yield a home worker for an hour's work less than eighty(80) percent of the minimum rates of wages prescribed in Article IV of this Code. After the aforementioned five day period and prior to November 1, 1934, no home worker shall be paid at rates less than those contained in such schedule. The Code Authority shall furnish every home worker employed in the industry with a copy of such

schedule and a copy of this amendment.
(b) Within ten (10) days after the effective day of this amendment the Code Authority shall prescribe a second schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such Schedule prescribe rates which will yield a home worker for an hour's work less than the minimum rates of wages prescribed in Article IV of this Code. After November 1, 1934, no home worker shall be paid rates less than those contained in such schedule. The Code Authority shall furnish every homeworker employed in the industry with a copy of such schedule.
(c) Each member of the industry shall submit to the Code Authority within five (5) days after the effective date of this amendment and on the first day of each month thereafter, the following reports:
1. The names and addresses of every home worker employed by such member, together with evidence that he has complied with all State, municipal, and other laws, including the wage provisions of this code, pertaining to home work. (V, 9 as amended)

Tanning Extract Industry
April 9, 1934.

The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.
(Art. V, Sec. 7.)

Amendment 1
October 9, 1934.

Delete Section 7 of Article V and substitute therefore:
The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited, except in accordance with the provisions of the Executive Order of the President of the United States, dated May 15, 1934.

Toy and Playthings Industry
Nov. 13, 1933

Homework is hereby prohibited after January 1, 1934. (Art. III, Sec. 7)

Transparent Materials Converter Industry
April 16, 1934.

The manufacture or partial manufacture of any product of the Industry is homes shall be prohibited.
(Art. VI, Sec. 8.)

Umbrella Industry
October 16, 1933.

Home work in this Industry is prohibited.
(Art. VI.)

Umbrella Frame and Umbrella Hdw. Mfg. April 9, 1934.	No home work shall be allowed. (Art. V, Sec. 7.)
Administrative Order 7 November 24, 1934.	Removed stay of provision set forth in Condition No. 3 of order approving Cod, and stipulated that the provisions of Art. V, Section 7 be in full force from this date.
Undergarment and Negligee May 7, 1934.	No home work shall be permitted by members of this industry. (Art. V, Sec. 6.)
Underwear and Allied Products Manufacturing Industry October 2, 1933.	No part of the process of the manufacture of the underwear and/or allied products covered by this code shall take place in the home premises or living quarters of any person. The purpose of this provision is to prohibit the distribution by any person governed by this code of products or materials to anyone for home work. (Part II, Sec. 2.)
Used Textile Bag February 18, 1934	No home work shall be permitted in the Industry. (Art. V, Sec. 8.)
Vegetable Ivory Button Mfg. June 13, 1934	The Code Authority in conjection with the Administrator and such other agents or agencies as he may designate, shall study the problem of home work in this industry and propose to the Administrator within a reasonable time after the effective date of this Code appropriate provisions for the regulation and control of such home work. (Art. V, Sec. 8)
Watchcase January 1, 1934.	On and after the effective date of this code all home work shall be prohibited. (Art. V, Sec. 6.)
Waterproof Paper February 26, 1934	The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited. (Art. V, Sec. 8.)
Welt Manufacturing Industry July 30, 1934.	No homework shall be permitted in this industry, except in accordance with Executive Order of May 15, 1934. (Art. V, Sec. 6).
Women's Belt Industry October 13, 1933	No home work shall be permitted. (Art. III, (6.)
Women's Neckwear & Scarf Mfg. Jan. 7, 1935	Home-Work - (a) A person may be permitted to engage in home-work at the same rate of wages as is paid for the same type of work performed

in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(1) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious diseases; or

(2) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.

(b) Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the trade or industry or subdivision thereof concerned, the name and address of each worker as certificated.

(c) In addition to persons who may be permitted to do home-work as hereinbefore set forth, home-work may be given out by a member of the Industry to the workers not included under Subsection (a) of Section 4 of this Article, only if subsequent to the effective date of the Code, at least one-half of the total number of articles of each type are produced in a factory maintained by, or operated for said member. Rates of pay for all types shall be established in the inside factory.

(d) No member of the Industry shall give out home-work, unless the rates of pay, paid for such home-work, shall be not less than the rates of pay paid for such work in a factory maintained or operated by or for such member of the Industry.

(e) No home-work shall be given out by any member of the Industry to any worker, unless simultaneously therewith the names and addresses of the home-workers who receive the work and the workers engaged in the actual performance of the work are registered with the Code Authority, and unless an exact record of the work performed by and the prices paid to such home-workers are kept by the manufacturer. The Code Authority shall have the right to examine all such records. Within thirty (30) days after the effective date of this Code, the Code Authority shall appoint a committee, to consist of an equal number of representatives of employers and employees, to investigate the home-work problem. Within sixty (60) days thereafter the committee shall

report its findings and make such recommendations as will enable the Code Authority to control home-work to safeguard the labor standards provided for under this Code.
(f) The Code Authority shall within ninety (90) days after the effective date of this Code, adopt rules and regulations for the provisions of this Section and may from time to time amend same. Such rules and regulations and amendments therto shall be subject to the approval of the National Industrial Recovery Board. (Art. III, Sec. 4)

Wiring Device Industry
January 26, 1935

Section 1. No employer shall permit or allow processing or manufacture of any of his products in the homes of any employee or in any public or private institution except under the following conditions:
(a) A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided
(1) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or
(2) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.
(b) Any employer engaging such a person shall keep such certificate on file and shall file with the Supervisory Agency the name and address of each worker so certificated.
(Art. V.)

Wood Cased Lead Pencil Manufacturer
February 27, 1934

On and after the effective date of this code all home work shall be prohibited.
(Art. V, Sec. 7.)

Wood Heel Industry
February 12, 1934

All work connected with every operation of the Wood Heel Industry shall be performed in the factories of the employers. No such work whatsoever shall be permitted to be taken to the home of the employees.
(Art. VI, Sec. 4.)

APPENDIX C

THE ROSENBERG REPORT

On May 10, 1934 a suit was commenced in the United States District Court, Southern District of New York, entitled "Kathryn Budd, Anna W. Hochfelder, President of the Homework Protective League of the United States, Julius Hochfelder, Attorney for the Homework Protective League of the United States, Joseph Zahn, Executive Secretary of the National Hand Embroidery & Novelty Association, August Bentkamp, James Toscani, Arthur De Jong, President of Jacob De Jong & Company, Inc., et al., Plaintiffs, against Nathan Straus, Jr., N. R. A. Compliance Director of the State of New York and Martin Conboy, United States Attorney for the Southern District of New York, Respondents."

A complaint was served only on behalf of the plaintiff Zahn, although the other plaintiffs were named in the summons. Anna W. Hochfelder is the wife of Julius Hochfelder, the attorney for the plaintiff.

The so-called Homework Protective League seems to have no real existence or membership. The offices of Zahn's Association, the Homework Protective League and Julius Hochfelder are all at the same place, namely Mr. Hochfelder's law office.

The complaint alleged that the provisions of the Artificial Flower & Feather Industry Code against homework deprive homeworkers of an opportunity to earn a livelihood in violation of their constitutional rights; and that they prevent manufacturers engaged in that industry from giving homework, and thus restrict their rights and liberties in violation of the Constitution.

The order to show cause for a temporary injunction was returnable on May 15, 1934. Mr. Hochfelder obtained an adjournment until May 29th on the ground that he was arranging for the elimination of the homework provisions in the codes so that the case would become academic. In Court he referred to a letter from the President which later, outside of Court, turned out to be a letter from Mr. J. S. Scott of the Legal Division. On May 15, 1934 the President issued his Executive Order modifying the homework provisions of the Code to a certain extent.

On May 29, 1934 Mr. Hochfelder again obtained an adjournment of his own motion for a temporary injunction, as he stated, "in deference to the President of the United States", with whom he was "communicating" in an attempt to obtain a further modification. The motion was then argued on June 12th at which time Mr. Hochfelder sought to file a complaint on behalf of Mrs. Budd containing the same allegations as those in Zahn's complaint. Judge Coxe on June 27th denied the motion for a temporary injunction and dismissed the complaint for failure to state cause of action, and on July 5th a decree was entered to that effect.

On July 9th Mr. Hochfelder obtained an order to show cause returnable on July 17th, in which he sought leave to file an amended bill of complaint, and this motion was adjourned by agreement until July 24th, and on that day Mr. Hochfelder appeared in Court and asked for a further

postponement on the ground that he had radioed the President of the United States for the elimination of restrictions on Homework, and that he expected an early reply. Despite the Assistant District Attorney's objection that such communication to the President on the latter's Hawaiian trip was improper, and that application should be made for such modification through the N.R.A., the Court granted an adjournment until July 31st.

On July 31st Mr. Hochfelder again asked for an adjournment referring to a communication from the President's assistant secretary acknowledging Hochfelder's request and stating that the matter had been referred to the Attorney General and the N.R.A. The Court granted an adjournment until August 14th.

It is to be noted that the proposed amended complaint contained no substantial change from the original complaint dismissed by Judge Coxe. It merely contained additional allegations referring to a New York State Law which had no bearing on the subject. Mr. Hochfelder's own affidavit submitted on the motion, makes the untrue statement that a State homework license was refused at the request of an accredited N.R.A. official.

We have concluded from the conduct of Mr. Hochfelder that his entire proceedings were not brought in good faith. He obtained orders to show cause on applications for injunctions, and then on the return date and constantly thereafter, requested postponements of his own proceedings, at the same time charging tremendous damage to his clients and others. In his statements to the courts he referred to the countless homeworkers he represented. In fact it is clear that he represented an association of employers who as far as we are able to ascertain are financing Mr. Hochfelder's proceedings. His method has been to commence a proceeding and then delay it endlessly on the theory that he could then request the N.R.A. to take no action because the courts were passing upon vital questions. In the courts his method was to obtain delay by claiming that executive modification was in progress. His statements in Court have been misleading, unfair, and in essential respects untrue. His conduct in argument was to make claims unsubstantiated by his own papers.

On June 28, 1934, a hearing was held before the State Director upon complaints filed by the Code Authority for the Pleating, Stitching and Bonnaz and Hand Embroidery Industry against Mr. J. Zahn, Executive Secretary of the National Hand Embroidery and Novelty Manufacturers Association. This is the Association of which Major Hochfelder is counsel, consisting of some alleged 138 manufacturers, on whose behalf the Budd litigation was actually instituted.

The Code Authority presented facts showing that Mr. Zahn as Secretary of the Association was openly and flagrantly advising all the members of this Association to disregard the Code prohibitions against homework, and to continue the employment of homeworkers despite the prohibition. The Code Authority also presented facts showing that because of these efforts of Mr. Zahn there was widespread non-compliance and violations of the Code and that as a result the Code Authority was being openly flouted and made a laughing stock. The Code Authority pointed out that those members of the Industry who were abiding by the Code and eliminating homework were threatened with the ruin of their business.

Mr. Zahn, on behalf of the Association, agreed to send letters to all members of his Association instructing them to comply with the provision of the Code dealing with homework. These letters were subsequently sent out by Mr. Zahn who supplied this office with a list of the members of the Association to whom it had been sent.

Although this particular hearing did not deal with the Artificial Flower and Feather Industry, the Industry in which Mrs. Budd was engaged, these facts are all pertinent as bearing upon the Budd case since Mr. Hochfelder is involved throughout.

After the hearing of June 28th, the State Director received a request from Mr. Hochfelder asking for a hearing in which he might discuss some method of cooperation between the hand and machine groups in the Embroidery Industry and also to prefer charges against the Code Authority in this Industry. This hearing was held on July 26th, 1934. In the meantime, however, various events bearing upon the case took place.

In order to clarify the position of this office on the homework question, a request for a definite ruling was sent by the State Director to you, and we have your memorandum of July 18th with respect to homework prohibitions and the method of procuring homework certificates.

The State Director's office then took the matter up with Mr. Andrews, the New York State Industrial Commissioner, in order to have the question of potential conflict between the State Homework Law and the NRA Homework prohibitions clarified. Under the State Law, which went into effect on July 1st of this year, the State Labor Department is authorized to issue licenses to do industrial homework upon compliance with the conditions enumerated in the statute. The question arose as to whether this law was not superseded by the Code provision and whether the State Labor Department could issue State Licenses in industries in which homework was prohibited if the applicants failed to comply with the conditions of the President's Executive Order.

In the meantime, Mrs. Budd had instituted a suit against Mr. Andrews, the Industrial Commissioner to compel him to issue to her a State license which was to be argued on July 24th in the New York Supreme Court. The Attorney General of the State of New York instructed his New York Office to prepare for the defense of that suit and to contest it vigorously. Deputy Attorney General Walsh and Mr. Elliott of the United States Labor Department conferred with Mr. Roth of the Litigation Division in anticipation of the defense of that suit, and made all preparations to contest the motion.

Without any prior notification to this office, we learned on July 18, 1934, a State license had been issued to Mrs. Budd and that the action against the Industrial Commissioner had been withdrawn by Mr. Hochfelder. The information given out to the newspapers by Mr. Hochfelder was that the Attorney General of the State of New York had ruled the homework prohibition unconstitutional. This office immediately communicated with Attorney General Bennett and Solicitor General Henry Epstein and were informed by them that no such ruling had ever been made and that no official request for an opinion of constitutionality had been received by their office.

On further investigation, we ascertained that Deputy Attorney General McLaughlin, assigned to the State Labor Department, had decided that a State license should be issued and advised the Industrial Commissioner to do so without consultation or conference, either with Mr. Roth or with any one in this office. At a conference held on July 19th between Mr. Zorn of this office and Industrial Commissioner Andrews, it was agreed that the question would be immediately referred to the Attorney of the State of New York, but that in the meantime no State license would be issued in industries where Code prohibited homework. This request for opinion was prepared by Mr. Zorn, in cooperation with Miss Frieda A. Miller of the State Labor Department and was sent to the Attorney General last Friday.

The next hearing on July 26, 1934, was held at this office at the request of Mr. Hochfelder and the National Hand Embroidery and Novelty Manufacturers Association. Prior to that hearing numerous complaints had been received from the Code Authority and its Administrative member, that Mr. J. Zahn was continuing to advise members of that Association to disregard the homework prohibition despite his agreement with the State Director that he would discontinue his efforts in that direction.

Although the hearing was originally called, not to consider merely the charges against the Code Authority, but also the question of cooperation between the machine and hand embroidery groups, Mr. Hochfelder limited his presentation to a series of charges against members of the Code Authority, which for the most part dealt with alleged labor violations by members of the Code Authority themselves; and in addition there were other charges with respect to their conduct.

Prior to July 26th, neither Mr. Hochfelder nor the National Hand Embroidery and Novelty Manufacturers Association had filed any of these comolaints through the usual channels in the State Director's office. In the light of the tactics of Mr. Hochfelder and his Association, in openly advising violation, in misrepresenting to newspapers the fact that the Attorney General had ruled the homework prohibition unconstitutional, and in seeking by every means to circumvent comoliance, the State Director came to the conclusion that these charges were being brought in bad faith and for the purpose of creating such confustion that it would be impossible for the Code Authority to enforce the Code.

Information received at this office indicates that Mr. Hochfelder is using the Budd case as a vehicle of publicity for himself, and through his activities in the entire matter, has actively solicited other retainers as well as additional payments from the National Hand Embroidery and Novelty Manufacturers Association.

The State Director at the hearing of July 26th ruled that in the light of the history of the entire matter, he was satisfied that these charges were brought in bad faith and refused to consider them. The basis for his decision will be found in the minutes of the hearing which are submitted herewith.

Although the newspapers have played this matter up as a human interest story, the facts of the conditions submitted to this office by the State Labor Department and others, both in the Artificial Flower Industry and in the Hand Embroidery Industry, show ruthless exploitation of the homeworker by payment of sweatshop wages, running as low as $2.00 a week for the services of a woman and two or three children. The State Labor Department tells us that it is practically impossible to regulate homework and the only effective regulations is a direct prohibition. You undoubtedly have full and complete data on this aspect of the matter.

So far as Mrs. Budd herself is concerned, a report submitted to us by investigators for the National Child Labor Committee shows that she is not living in want, and as a matter of fact is living very comfortably. She lives with her mother at 411 Caton Avenue, Brooklyn, in a house which is owned by her mother and her children always appear to be very well dressed.

In conclusion it appears quite clear that the conduct of Mr. Hochfelder in connection with the litigation and compliance with the Code has been contrary to the interests of the National Recovery Program, and have been accompanied by tactics on the part of Mr. Hochfelder which, to say the least, are improper and reprehensible.

(Signed) ANNA M. ROSENBERG

Anna M. Rosenberg
Executive Assistant

August 8, 1934

APPENDIX D

(THE) WOMAN'S OR WOMEN'S NATIONAL DEMOCRATIC CLUB

WOMAN'S NATIONAL DEMOCRATIC CLUB

1526 New Hampshire Avenue

Washington, D. C.

Officers

President
Mrs. Charles S. Hamlin

Honorary President
Mrs. J. Borden Harriman

1st Vice President
Mrs. Edward B. Meigs

2nd Vice President
Mrs. Rose Yates Forrester

Honorary Vice Presidents
Mrs. Emily Newell Blair
Mrs. Carter Glass
Mrs. Hugh C. Wallace

Treasurer
Mrs. Burton K. Wheeler

Recording Secretary
Miss Eleanor M. Connolly

Corresponding Secretary
Miss Elizabeth B. Howry

(Here, a long list
of other names.)

April 27, 1934.

General Hugh S. Johnson
NRA Administrator,
Commerce Building,
Washington, D. C.

Dear General Johnson:

"In order to keep the record straight" we are addressing this letter to you on behalf of the Woman's National Democratic Club.

Our attention has been called to an article that appeared in the "Daily News Record" of February 12th, 1934, headed "League in Move to Restore Home Work."

The article stated that "The Home Work Protective League of the United States," sponsored by the National Hand Embroidery Association, "is circularizing employers to aid in combatting the abolition of home work."

Dr. Anna W. Heckfelder, "President of the Home Work League," and J. Zahn, "Secretary of the Embroidery Association," were represented as demanding the reopening of codes in industries where home work has been abolished.

Dr. Heckfelder was quoted as saying that among the "sponsors of home work were the Woman's National Democratic Club and the

General Hugh S. Johnson, Washington, D. C. - #2

American Alliance of Civil Service Women."(*)

We have never heard of the "American Alliance of Civil Service Women." However, such an organization may exist.

We can speak with authority concerning the Woman's National Democratic Club and we desire to assure you, and others interested in the abolition of home work, that the Woman's National Democratic Club has never, either directly or indirectly, supported Dr. Hochfelder's crusade to perpetuate the American industry the manifest evils of home work.

On the contrary, the Woman's National Democratic Club is in complete sympathy with the principles and ideals of President Roosevelt's recovery program and has contributed to the limit of its ability to the advancement of that cause.

If any further attempt is made by Dr. Hochfelder or Mr. Zahn to implicate the Woman's National Democratic Club in their movement, we trust you will see that this letter is placed in the record so the position of the Woman's National Democratic Club may not be further misrepresented.

Respectfully

(Signature) H. P. Hamlin
(Mrs. C. S. Hamlin)

(Signature) Margaret Keating

(*) On this organization's stationery, Dr. Anna W. Hochfelder was listed as "President". (March 29, 1934)

THE WOMEN'S NATIONAL DEMOCRATIC CLUB, INC.

Lillian R. Sire, (*) Founder-President

Vice Presidents

Anna W. Hochfelder(**)
Sally Thomas Anton
Miriam Fairtt
Frances A. Fisher
Kristine Kiefauver

Headquarters:

Hotel Mayflower
15 Central Park West
New York City

Alice Paroni, Sec. to Pres.
Rose Kay, Rec. Sec.
Josephine C. Veit, Corr. Sec.
May A. Mangan, Treas.
Dr. Charlotte West, Historian
Mrs. J. Kornfeldt, Auditor

Telephone: Columbia 5-0060

May
Fifth
1934

(Here, a long list of other names)

Mr. O. W. Rosenweig,
Commerce Building,
Washington, D. C.

Dear Sir: -

It has been brought to my attention that it was claimed that the Women's National Democratic Club, Inc., did not endorse the movement for the protection of homoworkers.

May I take the liberty of informing you that that does not coincide with the facts. The matter was brought up at a regular meeting of the organization, was debated thoroughly and was unqualifiedly endorsed.

Very truly yours,

(signature) Lillian R. Sire

President

LRS:SH

(*) Listed on the Homework Protective League's stationery as "Honorary President".

(**) Listed on the League's letterhead as "President".

APPENDIX E

NEW YORK TIMES HOMEWORK NEWS

This story appeared in the New York Times on November 14, 1934:

"HOME WORK PLEA FAILS"

"Code Balks Efforts of Mother of Three to Support Family."

"Mrs. Rose Deligio of 1,627 Eighty-fourth Street, Brooklyn, who is the sole support of her unemployed hudband and her three children, learned something about planned economy in the Supreme Court in Brooklyn yesterday.

"She was informed, by judicial decree, that she might no longer continue to earn $15 to $18 a week making neckwear in her home, because a State code provides that neckwear must be made in a factory.

"When she was told that she must have a State license to make neckwear in her home, and when Elmer F. Andrews, State Labor Commissioner, refused such a license because of State code provisions, Mrs. Deligio appealed to Justice Furman to compel Mr. Andrews to grant the license.

"The court ruled, however, that under the law he must refuse her plea."

The following letter to the Editor appeared on the editorial page of the New York Times on Monday, November 26, 1934. It constituted a reply to the above-quoted article.

"To the Editor of The New York Times:

"According to an article in The New York Times, Mrs. Rose Deligio of Brooklyn, the sole support of her unemployed husband and her three children, 'learned something about planned economy' when Justice Furman refused her appeal to compel State Labor Commissioner Andrews to issue a State license which would permit her to continue earning $15 to $18 a week making neckwear in her home.

"What are the actual facts about homework? The records of the New York State Department of Labor would show that earnings of most of the homeworkers are in the main far below those cited by Mrs. Deligio. For Mrs. Deligio actually to make these wages no one knows how many hours she would have to work during the week or whether they represent her own labor alone or that of herself and her unemployed husband and perhaps also her children. No one knows whether this work was not done under unsanitary conditions which constitute a menace, not only to her family, but to the consuming public and to the community at large. Even with these qualifications, however, the fact that she could earn such wages is a direct result of the very code which she is seeking to annul. Under that code, as modified by President Roosevelt's order of May 16, permitting homeworkers to certain handicapped workers, the

rates for homework were raised on typical items from about 18 and 20 cents a dozen to 45 cents a dozen. The last-mentioned price is still lower than that paid to workers in the factory and, in addition, the homeworker must provide space and light and call for and deliver the work. In those industries where no code as to homework prevails, the testimony of a social worker is that the homeworker earns from 35 to 70 cents a day for work which begins at dawn and ends at midnight.

"Some light on the real attitude of homeworkers was shed at a conference held on Oct. 11 at the New York Women's Trade Union League. The information on the neckwear industry, in which Mrs. Deligio is employed, was particularly illuminating. Edmond Gottesman, secretary of the Neckwear Workers Union, cited case after case of workers who, after working ten or twelve hours a day, together with children or other relatives, earned prior to the code about 60 cents a day. This was in the halcyon days of an 'unplanned economy.' Nor was this, as has already been pointed out, a net wage.

"Subsequently, at a luncheon conference under the auspices of the Consumers' League, at which Mrs. Elinor M. Herrick reported on the survey of homework in the State, two former homeworkers in the neckwear industry testified. They were Mrs. Nicolette Raconova and Mrs. Theresa Gogliano, both residing in the same section of Brooklyn as Mrs. Deligio. This is the case of Mrs. Raconova: The mother of nine children, she had for years been a homeworker. By her own labor and that of some of her children, by working from 6 o'clock in the morning until late at night, she earned from $3 to $5 a week. In order to earn even this amount she had to exploit her own children and to neglect her home and her children. When the code went into effect and her employer told her that 'it was the fault of the union' that she could no longer be permitted to work at home, she went to union headquarters and protested. Mr. Gottesman placed her in an organized factory. Now she earns $20 to $24 a week for thirty-six hours of work. Her working day, which begins at 8:30 and ends at 5, gives her time to attend to her household and gives her income enough to get occasional supplementary help.

"If the actual records reveal a system of exploitation, why, one may ask, does Mrs. Deligio make this appeal? There are several possible explanations. In one case of a similar appeal the attorney for the homeworker was, we have every reason to believe, actually representing a group of employers who are trying not only to exploit workers but to break down the standards of wages, hours and sanitary conditions which the more forward-looking employers in the same industry have built up. A second explanation may be found in the fact that the employers have encouraged a number of homeworkers to subcontract their work to other homeworkers, thus profiteering from them, and to give them 'lessons' at an exhorbitant rate. Finally, there undoubtedly exist a few homeworkers who have been so accustomed to the system that they cannot envisage going to the factory.

"At the trade union conference of Oct. 11 the union representatives voted full support to the appeal taken by Commissioner of Labor Andrews against the decision of Justice Lauer ordering him to issue permits in violation of the codes. Organized labor, which includes thousands of these former homeworkers, is determined that the system which a hundred years of experience has proven is costly to the community and to the worker shall

not be revived.

ELSIE GLUCK,

Secretary Labor Conference on Homework.

New York, Nov. 17, 1934."

APPENDIX F

MEMBERS OF THE NEW YORK STATE LABOR STANDARDS COMMITTEE*

Affiliated Summer School for Workers
Allied Beauticians of America
Amalgamated Clothing Workers of America
American Federation of Full Fashioned Hosiery Workers
American Association of Social Workers
Association of Dress Manufacturers, Inc.

Bricklayers' Union of Brooklyn, Local #9
Bureau of Occupations
Church of the Pilgrims
Civitas Club of Brooklyn
Congregation Education Society
Community Church
Consumers' League of New York
Consumers' League of Syracuse
Cornell University
Council of Women for Home Missions

Democratic Women's Club of Fredonia
Diocese of Long Island (Episcopal)

Eastern Parkway Community League
Episcopal Diocese of New York
Episcopal Headquarters

Henry Fatton, Inc.
Fellowship House

Girls' Friendly Society
Good Shepherd Presbyterian Church
Greenwich House

Haarlem House

International Ladies' Garment Workers' Union

Junior League of Brooklyn

Labor Bureau
Labor Herald and Citizen
League for Industrial Democracy
League of Women Voters: The following sections:- Nassau County, New York State, Scarsdale, Westchester

Lyons Civic Club

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* List submitted by Miss Marjorie McFarland, Executive Secretary, The Consumers' League of New York.

Madison House League
Merchants Ladies Garment Association
Model Civic Club

National Council of Jewish Women: The following sections:-
Albany, Amsterdam, Baldwin, Bayside, Bronxville,
Brooklyn, Ellenville, Elmira, Hempstead, Herkimer,
Hunter, Jamaica, Mt. Vernon, New York, Port Chester,
Richmond Hill, Rochester, East Rockaway, Scarsdale,
Schenectady, Staten Island, Syracuse
National Consumers' League
New York State Employment Service
New York State College of Home Economics
New York State Federation of Labor

Pharmacists' Union of Greater New York
Presbyterian Church in the U.S.A.

Sunnyside Gardens Community Association

Temple Neighborhood School
Typographical Union #6

Union Health Center
United Neighborhood Houses
United Textile Workers of America
Urban League of Brooklyn
Urban League of New York

Vocational Service Agency

Women's City Club of New York
Women's Civic Organization
Women's Democratic Club of New York, Inc.
Women's Trade Union League

Young Women's Christian Association
Brooklyn, Cortland, Gloversville, New York,
Syracuse, Westfield

APPENDIX G

REPORT ON THE INVESTIGATION OF INDUSTRIAL HOMEWORK IN THE MEN'S NECKWEAR INDUSTRY, TROY, NEW YORK

Mary Skinner and Ruth Scandrett
U.S. Department of Labor

Beginning of neckwear work in Troy

The neckwear firm of Frank Strohmenger and Cowan, located in Poughkeepsie, New York, was taken over by Cluett Peabody in 1932. The firm had been in Poughkeepsie since 1927, having moved there from New York City after a strike. Cluett Peabody began in 1932 to transfer the work to Troy, New York, where their shirt and collar factory is located. By November 1934 when the survey was made practically all of the work was being done in Troy.

Training new workers

It was necessary to train almost all of the necktie workers when the manufacturing was moved to Troy. The cutting, hemming and boxing was done inside the plant from the beginning. The slip stitchers were brought into the factory for training periods of from 5 days to 8 weeks. Before January, 1934 learners received only their earnings at piece work rates. Since that time learners have received $10.00 a week. The learning period still varies from 1 to 8 weeks. When applying for work slip stitchers state whether they prefer homework or factory work. The firm has continued to employ some slip stitchers with the expectation of giving them work at home after the factory learning period since the Code was approved. In fact one worker who was visited said she applied for homework because she had heard it was easier to secure employment if you had an excuse to work at home. Those who apply for homework send in applications for special homework certificates and after their learning period is over, take work home while waiting for action on the applications. There is no make up between earnings and the $10.00 minimum for learners when work is taken home, even though the slip stitcher has not been inside the plant for the period of 8 weeks permitted by the Code and is not producing at minimum wage rates when she begins homework.

Process

The slip stitcher takes a tie which has been cut, joined and hemmed, and completes the work on it. Under the system used at Cluett Peabody she does the pressing as well as the pinning and sewing of the ties. The work is comparatively skilled. The material is cut on the bias and it is difficult to fold it correctly. In sewing the tie, it is necessary to use an understitch which does not catch the lining and cannot be seen. Sufficient thread must be left to allow the tie to be stretched without breaking the stitches. The work requires constant attention. It must be done with exactness. One homeworker said that she had placed her child in a Day Home because she could not give her

the care she needed and make ties at the same time. Other workers said it was difficult to work with children around and they did their best work after the children had gone to bed. While the stitch itself is not difficult, it takes time to acquire speed. A worker must be able to work with various materials. New workers have been able at the end of their learning period to complete 20 dozen ties a week, the number necessary to yield the minimum code wage of $13.00.

Most of the slip stitchers in Troy are Armenians who are skillful needle workers. Americans and Italians are also employed in this capacity.

Transferring from home work to factory work

On April 11, 1934 there were in Troy 33 slip stitchers working in the factory and 210 at home. On November 15, 1934 there 110 in the factory and 103 at home. Of the 103, 20 had secured certificates under the Executive Order. The application of the remaining were pending. Some of the applications received by the New York State office in October were filled out in July and August and homework was given to these employees in the period between making out the applications and filing them.

The industrial engineer of Cluett-Peabody Company stated that there was room in the neckwear section of the factory for 195 slip stitchers and that he expects to bring this number inside. He estimates that they need 250 slip stitchers for the volume of work.

The industrial engineer is of the opinion that work can be done more efficiently under supervision and in regular hours. Factory work in slip stitching has not been under way long enough for the firm to be able to compare accurately the production of factory and home workers. However, the industrial engineer estimates that the production of three factory workers equals that of five homeworkers.

The man in charge of production in the neckwear division was not willing to say whether it is as satisfactory to have slip stitching done in the factory as at home. His hesitancy might have been due to the fact that he was accustomed to the system used in Poughkeepsie where all of this type of work was done at home.

Applications for special Homework certificates

The status of applications for special homework certificate on November 9th was as follows:

Total applications----------	160
Certificates issued----------	20
Certificates rejected----------	43
In factory - after rejection--------32	
Unemployed - after rejection-------11	
Certificates held, pending conference with firm----------	21
Applications pending----------	73

Through a misunderstanding of the firm of the conditions under which certificates might be obtained, workers were told that care of children would constitute reason for exception. When it was found that certificates could not be issued on this ground there was confusion and dissatisfaction.

It was necessary to have medical examinations of applicants who applied for certificates on the basis of being unable to go into the factory because of health conditions. The firm felt they could not use their plant physician for these examinations, so sent the applicants to a well known physician who had been assisting in the examination of handicapped workers. He stated that he became interested in the situation through the stories of the women. Mothers who wished homework in order to be with their children aroused his sympathy: He believes it unjust to prohibit homework under these circumstances and says that he considers it his duty to inform the public of this action of the government which requires mothers to place their children in institutions if they have to work.

Home workers visited

Sixty-two homeworkers were visited. Their status was as follows:

32 had been refused homework certificates
9 had been granted certificates
6 had been granted certificates but these were being withheld pending conference with the firm
15 had applied but their applications were pending

The 32 workers visited whose applications for a certificate had been rejected represented three-fourths of the total number rejected up to the time of the study and the workers visited to whom certificates had been issued represented almost half of the number receiving certificates up to that time. In one of these a reapplication for a certificate was advised on the basis of conditions that were not stated on the first application.

The situation of each of the 11 rejected applicants who had not gone into the factory was as follows:

3 were pregnant and could have gone for their homework only a few more weeks
5 were advised to make reapplications
1 had no children and her only reason for remaining at home was to maintain social status
1 wanted to go into factory, but had not been offered work there
2 were unable or unwilling to leave their children

Of the 1 women visited who had gone into the factory it was found that:

1 preferred factory work to begin with
7 preferred factory work after being inside from 1 to 3 weeks

felt the advantages of factory and homework equal
7 preferred homework
1 had formed no opinion

Three women whose applications for certificates were pending said they hoped they would be rejected because they preferred to work inside after hearing former homeworkers tell of the advantage of the factory and after their training period in the factory.

Earnings

In the folding of neckties is skilled work the earnings of the slip stitchers are comparatively high. The rates paid the homeworker are the same as those paid in the factory, - 65 cents per dozen for the less expensive variety and 90 cents a dozen for the five, seven and 8 fold. The majority of the homeworkers make the 65 cent variety. The rate for the latter has been raised three times within the past year. From the time the factory was moved to Troy until July 1933 it was 43½ cents per dozen; the latter part of that month it was raised to 47½ cents, several months later to 60 cents, and at the time the Code went into effect, to 65 cents. The minimum rate set by the Code for the three kinds of work done by homeworkers, i.e. trimming, sewing and pressing, is 58 cents a dozen.

The following figures show the weekly earnings of the 62 homeworkers visited, for the week prior to the interview or, in the case of workers who had been refused a homework certificate before that date, for the last week they had worked:

Total homeworkers visited	62
Total reporting earnings	55
Less than $5.00	13
$5.00 less than $10.00	19
$10.00 less than $15.00	13
$15.00 less than $20.00	7
$20.00 or more	3
Not reporting earnings	7

The average hourly earnings of the homeworkers visited are shown below. These earnings are estimated on the basis of the length of time it takes the worker to pin, sew and press 3 dozen ties (the usual assignment) for which she receives $1.95.

Total homeworkers visited	62
Total homeworkers reporting earnings	47
Less than 25 cents	10
25 cents less than 30 cents	11
30 cents less than 35 cents	14
35 cents less than 40 cents	8
40 cents or more	4
Not reporting earnings	15

In computing these earnings, the time spent obtaining and returning the work has not been taken into account. As the factory

manufacturers on order, the homeworkers are required to return their completed work within two or, at least, 3 days after it is taken out. They call at the factory 3 times one week and twice the next to return and collect their work. Due to a poor system of inspection and distribution they are kept waiting from 1-3 hours at each visit. In this way, within the two week period they give from 8-15 hours of their time for which they receive no pay. It is often not so much the time spent in the factory that is a matter of concern to the worker as the fact "going for work spoils half a day" and it is necessary to work late at night to complete their assignments in the required time.

Hours of Work

The following figures show the number of days and hours worked in the week previous to the interview as reported by 45 homeworkers who were able to give the information:

	Total: P.W.	Number of days worked per week: Less than 3 days	4 days	5 days	6 days	7 days P.W.
Total	45	13	8	10	15	5
Less than 20 hours	13	13	8	-	-	3
20 hours " " 25 "	4	-	-	3	-	1
25 " " " 30 "	4	-	1	2	1	-
30 " " " 35 "	5	-	-	5	3	-
40 " " " 45 "	4	-	-	3	2	1
45 " " " 50 "	3	-	-	-	3	-
50 and over	8	-	-	1	7	-

Slipstitching ties is exacting work and many mothers stated that they could not do it when the children were around but waited until they were in school or in bed. One mother even went to the expense of sending her child to the day nursery so she could work in peace during the day. Many women reported that they worked regularly until 10 and 11 P.M. when work was on hand, and a number reported even later hours - 12 and 12:30 P.M. A few mothers not only worked at night but arose at 4 or 4:30 A.M. to "do a few dozen" before the children were up.

Community Facilities

There are 2 day nurseries in Troy where mothers may leave their children while at work. One is Catholic and the other Protestant. Neither make any religious discrimination. One is located in the immediate vicinity of the factory and the other is within walking distance.

One home accepts children of any age up to 12 years (inclusive) and the other takes children from 2 to 12 years inclusive. The regular charge is the same in both homes - $1.00 per week per child. It is usually adjusted to the families' ability to pay however. At the present time the majority of the mothers patronizing the Protestant

nursery charging only 50 cents a week. No charge is made for families on relief. The Protestant home has accommodations for 120 children; the Catholic for more than 60. Both are adequately equipped. The Protestant institution conducts an excellent pediatric clinic, and has two nurses on the staff who visit the homes of the children under their care. This home has a waiting list of 30 at the present time. The Catholic home can accommodate more than their present enrollment.

The Public Schools in Troy open at 8:30 A.M. and close at 3:30 P.M. Factory hours are from 8 - 4 P.M. with no work on Saturday. Mothers reach home shortly after the children return from school. No lunches are served in any of the grade schools, but proper supervision is provided children who bring lunches from home.

The day nurseries and the social agencies in the city - which include the Council of Social Agencies, the City relief department and the Y.W.C.A. were unaware when interviewed that the abolition of homework was creating any problem. In the community all expressed themselves as being opposed to the industrial home work system. The city relief department - the only organization extending relief stated that only one application for relief had been received from the families who had lost their homework.

Relief

Only 6 of the 62 families visited had received relief within the last two years. Most of the families had mortgaged their homes, borrowed and received aid from relatives but they had not received assistance through an agency. One of the 6 families receiving relief had had shoes and clothing only. The other 5 families had obtained aid as follows:

1. Several months of relief aid 2 years ago. None last winter before beginning necktie work March 1934.

2. Four months relief last year. None since began necktie work February 1934.

3. All of last year up to present time both before and after beginning necktie work in May 1934. Amount of relief varies with earnings.

4. Last 3 years (Wife separated from husband, 3 children) before and after beginning necktie work in July 1933. Amount during 1 year varied with earnings - Relief cut off 3 weeks ago when returned to husband.

5. Husband had relief work winter before last. Family had grocery orders (not varying in the earnings) from Nov. 1933 to May 1934 when husband secured temporary job - Began necktie work May 1933.

Homeworkers whose Applications for Special Home Work Certificates were Rejected.

Troy, N.Y.

I. Workers who have not gone into the factory and are unemployed.

Mrs. J -

Mrs. J went through a great deal during the World War in the old country. She says that since coming to this country she has had 3 nervous breakdowns. She claims to be too nervous and upset to work in the factory. She appears excitable. She says that when she went to Dr. Green for examination for homework permit she was too upset to explain her condition intelligently, as she has been under the care of Dr. Hodidian for 3 years. I suggested to her that she have her physician get in touch with Dr. Green and that if the latter were willing she make a reapplication.

Mrs. B -

Mrs. B has two children aged 16 and 13 years. She likes to have money she earns at homework but can get along without it and does not wish to leave her home to work in the factory.

Mrs. S -

Mrs. S is a young married woman with no children. Her husband is employed part time. She operates a beauty parlor in her home from which she nets about $1.00 a week. Mrs. S has a wooden leg. After her application for a home work exemption was rejected she tried to get into the factory but was rejected by Dr. Home, the examining physician.

Mrs. A -

Mrs. A has two children 5 and 8 years of age. She is well and has no invalids to care for. She asked for exemption from the homework provisions of the code because of the children.

Mrs. E -

Mrs. E applied for a certificate on the basis that she had children and that she was pregnant. She had been working since July, 1934. Mr. E is a moulder and has been unemployed for four years. They have two children, aged 8 and 3. They own their home, but it is mortgaged heavily. They have exhausted their savings. They have not received relief. Mrs. E will be confined in February and said that she would have been unable to work at home only a out one more month. She would be unable to go for her work after it was cold and icy. She of course is sorry that she will not have work during this month, but realized that it would only tide them over a few weeks and that the real need is

Mrs. E - continued

work for Mr. E. She is caring for the two children of her next door neighbor who has gone into the factory upon the rejection of her application for a certificate. For this she receives $2.00 a week.

Mrs. L -

Mrs. L applied for a certificate on the basis that she has a child and that she was pregnant. She had been working since March, 1934. Mr. L is employed as a clerk at $17.00 a week. While they need additional income they are able to get along without relief. Mrs. L will be confined in December and said that she would have been able to do homework only a few weeks. She would prefer being inside the factory and hopes that when the baby is old enough to be left in the Day Home she will be able to get a job inside. When she was doing homework she left the 19 months old child in the Day Home because she could not pay attention to her work and care for the baby. (Mrs. L does not speak English. A neighbor served as interpreter).

Mrs. T -

Mrs. T applied for a certificate on the grounds that her husband is an invalid and that she has children. She had been working since January 1934. She has two children, aged 2 and 3. Mr. T worked in a bakery shop with his brother until two years ago. At that time, his brother was injured in an automobile accident and told Mr. T to close the shop, that he would give him a part of the money he would collect for his injury. Mr Y closed the shop and did not secure other employment. In March 1934 he borrowed money from the Building and Loan to erect a house on some land he owned near Watervliet, still depending on the money his brother would give him to repay this loan. When his brother settled his accident claim about 6 months ago he did not give him anything. In the meantime rent and grocery bills had accumulated. About 6 weeks ago Mr. T fell and hurt his knee, btoke his leg, and dislocated his wrist. He was not well, following several abdominal operations before his marriage 4 years ago and the invalid claim was based on this plus the temporary condition of his knee (presumedly temporary). The family received relief for 4 months last year before Mrs. T began work. They are greatly opposed to going on relief. Mrs. T admitted that her husband could care for himself. She also said that she was willing to go to work in the factory, although she did not want to leave the children, but that her eyes were so bad she could work under artificial light or for more than 2 or 3 hours at one time. She said she had had 4 different lenses from opticians during the last 8 months. Agent suggested that she have her eyes examined and make a reapplication if the doctor thought it advisable. Agent felt that Mrs. T was seeking an excuse for continuing homework. She kept asking what she could do if the doctor

Mrs. T - continued

found nothing wrong with her eyes, while she knew she could not use them under factory conditions. Mrs. T has aroused much concern on the part of Dr. Green and the factory. She is a forceful perservering person. She said she taught school in Marseille before coming to this country 4 years ago. She met Mr. T in France and married him there. She refuses any assistance in the way of relief or a "loan" from Dr. Green, insisting that she only wants the right to work. The family moved to their new home on Nov. 19. They have no money, Mrs. T says, and are getting groceries from a man who owed Mr. T some money. The relief agent visited the family on Nov. 17 and offered them assistance, according to Mr. T., but he said he wanted work, not relief. Mrs. T was willing to listen and agreed that she was one of many who want the "right to work", etc. She is individualistic and while she appears to understand, goes back to the fact that she can get work if only she can secure a certificate to do it at home and that this opportunity for earning should not be taken from her.

Mrs. P -

Mrs. P applied for a certificate on the basis of having children. She is well, her husband is well. She has been working since September 1933. She has three children, aged 14, 9 and 6. Mr. P is a contractor. Mrs. P said he was unemployed, but later in the conversation said that in estimating his earnings for the year ending Sept. 1934 he found he had made about $300.00 less than the preceding year. This was about the amount Mrs. P had made on neckties. Mrs. P's father has assisted them. They have received no relief. Mrs. P does not expect to support the family on her earnings and said that she would never take so much work that she would be unable to care for the children. She feels that she cannot leave them to go into the factory. She does not see why she cannot have the work at home; she resents the fact that women who do not need the money as much as they do are working on neckties while she cannot secure work. It is a straight case of having children and needing additional income, but being unable to leave the children, or at least unwilling to do so.

Mrs. R -

Mrs. R applied for a certificate on the grounds that she had high blood pressure and that she had children. She had been working since August, 1933. She has three children, aged 14, 12 and 9. Mr. R has a printing shop. He has been able to make very little and they fear that they are going to lose the business. Mrs. R said that he was unwilling to quote below code prices and had lost several jobs because other people were not so honest. Now her work is prohibited by Code and she does not feel too kindly toward the NRA, though she is not resentful and understands the general homework situation in other industries. She is trying to decide whether or not to go into the factory. Her doctor advises her not to do so, on the basis of her health. She fears that it will make her health worse and also is un-

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Mrs. R - continued

willing to leave the children. Her mother lives on the lower floor of the house (her father owns the house where they live) and could care for the children, but Mrs. R has always supervised them and does not want to leave them with some one else. The situation she thinks further complicated by the fact that her brother-in-law, who is unemployed, is in the home and she does not like his influence on the children. It is difficult to know whether it is her health or the children which is important as she makes her decision.

Mrs. B -

Mrs. B applied for a certificate on the grounds that her husband is an invalid and that she has children. She had been working since March, 1934. She has two children by this marriage, aged 10 and 8. There are two children by a former marriage, aged 20 and 22. Both of them are employed at present. Mr B is not well enough to work but is able to care for himself. He had a grocery business which he lost 5 years ago. Then he had a tailor shop which also failed. He owned the shop which had a place for living in the rear. He rented the building, but after the renter failed to pay the rent he moved back into the place. The shop is now empty. The family received relief two years ago, but evidently the boys have made enough for them to exist on during the last two years. Mrs. B was willing to go into the factory, but was rejected for inside work by the factory doctor. Agent suggested that a reapplication be made on the basis of the physical condition of Mrs. B.

Miss D -

Miss D applied for a certificate on the basis of an invalid mother. She had worked since September 1933. Her mother is not well, but can care for herself to some extent and a married sister can come in occasionally to assist her. Miss D would like to go into the factory. She does not know whether or not she can make the minimum, but would like to try. She said she had never taken out more than 12 dozen ties a week (20 required to earn the minimum wage) because she did not work at night nor did she have any help as some workers have. She thinks this is the reason she was not given an opportunity to try inside work. She was told that she would be notified if there was a place inside. This was a month ago. This is the only case agents found where homeworker had not been offered a place inside. Miss D lives with her father, mother, and sister. She worked in a factory in Watervliet until 3 years ago. At that time work was slack and her mother was not well, so she left. Her father has been unemployed until recently. He is now working three days a week as a laborer in the paper mill in Watervliet. Her sister is employed in the office at Cluett's. The family has received no relief.

II. Adjustments made by Home Workers who have gone into the factory

Mrs. T -

Mrs. T, child 2 years of age has been placed in Day Home. Two children, aged 10 and 11 who are in school come home for lunch. Mrs. T lives within few blocks of factory and also comes home for lunch.

Mrs. D -

Mrs. D, child aged 8 in school - child aged 1½, kept by neighbor, is ill and mother worries about him. Advised to reapply for certificate.

Mrs. C -

Mrs. C, children 13 and 15 in school.

Mrs. J -

Mrs. J, Grandmother comes every day to care for children, aged 3, 6 and 9. It is difficult for grandmother to come as she lives at a distance and pays twenty cents bus fare daily.

Mrs. B -

Mrs. B, Mother pays neighbor $2.00 a week to care for children aged 2 and 4 child 10, in school, stays with neighbor after school.

Mrs. D -

Mrs. D, children 6 and 10 in school - Mother leaves before they do in morning, but father does not. Children reach home at 3:45 and mother at 4:45.

Mrs. B -

Mrs. B, child 11 in school - Family lives above father's shop.

Mrs. G -

Mrs. G, children 8 and 9 in school - Father is at home until they leave for school in morning. A neighbor prepares lunch for the children and stays with them until mother returns in afternoon. She is paid fifty cents a day.

Mrs. Z -

Mrs. Z, children 8 and 12 in school. Mother must leave home at 7:30 and worries about children having responsibility of locking the house before they go to school. Father is not at home.

Miss G -

Miss G No adjustment necessary. Wished to go into factory.

Mrs. A -

Mrs. A - One child aged 11 in school.

Mrs. K -

Mrs. K - Children 7 and 13 in school. They go to home of Aunt across street after school.

Mrs. S -

Mrs. S - Children 8 and 16 in school. They come home for lunch which mother leaves for them. Child aged 5 in Day Home Mother does not go to work until 9 as she is exceptionally fast worker.

Mrs. P -

Mrs. P. - Child 4 left with neighbor who is paid $3.00 a week.

Mrs. M -

Mrs. M - Child 9 is in school. Mother worries about care of child during vacation.

Mrs. D -

Mrs. D - children 9, 11 and 14 and 16 in school. They come home and prepare their own lunch. Girl 14 takes care of younger children.

Mrs. J

Mrs. J - No children - no adjustment necessary.

Mrs. A

Mrs. A. Family live with grandmother who takes care of children 9 months, 4 years and 7 years.

Mrs. G

Mrs. G. Children 7 and 14 in school. Girl 14 comes home for lurch sometimes. Boy 7 goes with the father to grill which he owns.

Mrs. M.

Mrs. M - No children. No adjustment necessary.

APPENDIX H

TABLES ON NUMBER OF SPECIAL CERTIFICATES GRANTED UNDER EXECUTIVE ORDER

TABLE I.

NUMBER OF HOMEWORK CERTIFICATES

ISSUED, REFUSED, REVOKED, and CANCELLED TO and INCLUDING MAY 27, 1935
ACCORDING TO STATES REPORTING (*)

State	NUMBER OF CERTIFICATES			
	Issued	Refused	Revoked	Cancelled
Total	2,608	2,457	45	81
California	220	50	--	5
Colorado	2	--	--	--
Connecticut	55	192	12	1
Georgia	2	1	--	--
Illinois	83	25	--	8
Indiana	10	1	--	--
Kentucky	4	--	--	--
Maryland	67	45	--	31
Massachusetts	70	4	1	1
Michigan	1	--	--	--
Minnesota	21	--	--	--
Missouri	27	1	--	1
New Jersey	304	25	12	6
New York	1,428	1,940	2	8
Ohio	10	23	--	--
Pennsylvania	247	144	18	20
Rhode Island	26	6	--	--
Tennessee	2	--	--	--
Vermont	8	--	--	--
Virginia	9	--	--	--
Washington	6	--	--	--
West Virginia	4	--	--	--
Wisconsin	2	--	--	--

(*)
SOURCE: p. 13, Mimeographed Report, Division of Labor Standards, U. S. Department of Labor, Washington, D. C., December 9, 1935.

TABLE II.

NUMBER OF SPECIAL INDUSTRIAL HOMEWORK CERTIFICATES ISSUED AND REFUSED TO AND INCLUDING MAY 27, 1935 ACCORDING TO NRA CODE AND STATE REPORTING (*)

Code and State	Number of Certificates: Issued	Refused
Total Number	2,608	2,457
Artificial Flower and Feather	160	151
Illinois	5	1
New Jersey	14	4
New York	135	143
Pennsylvania	--	1
Rhode Island	6	2
Blouse and Skirt	26	18
California	--	1
New Jersey	3	1
New York	14	16
Pennsylvania	9	--
Corset and Brassiere	44	2
California	7	1
New Jersey	36	1
Pennsylvania	1	--
Cotton Garment	116	100
California	1	1
Connecticut	3	13
Kentucky	1	--
Maryland	29	31
Massachusetts	7	--
Michigan	1	--
Missouri	10	--
New Jersey	5	--
New York	25	36
Pennsylvania	27	19
Vermont	5	--
Washington	2	--
Drapery and Upholstery Trimming	40	72
Illinois	2	1
New Jersey	4	--
New York	26	70
Pennsylvania	8	1
Dress	11	9
Massachusetts	1	--
New Jersey	9	--
New York	--	9
Vermont	1	--

(*) SOURCE: p. 9, Ibid.

Code and State	Number of Certificates: Issued	Refused
Handkerchief	22	1
New Jersey	22	1
Infants' & Children's Wear	192	131
California	33	--
Connecticut	5	19
Maryland	15	7
New Jersey	16	--
New York	76	89
Pennsylvania	39	16
Virginia	8	--
Ladies' Handbag	42	79
Connecticut	2	5
New Jersey	2	--
New York	38	74
Light Sewing (Except Garments)	3	21
New York	3	21
Luggage and Fancy Leather Goods	18	27
Connecticut	8	19
Maryland	2	1
Massachusetts	6	1
New York	2	6
Medium Priced Jewelry	51	66
Massachusetts	1	--
New Jersey	6	--
New York	39	64
Rhode Island	5	2
Men's Clothing	16	27
Maryland	2	--
New Jersey	5	6
New York	4	19
Pennsylvania	5	2
Men's Garters, Suspenders, etc	141	141
California	1	--
Connecticut	8	31
Illinois	25	10
Massachusetts	2	--
New York	104	100
Ohio	1	--
Men's Neckwear	807	523
California	44	--
Colorado	2	--
Connecticut	11	24
Illinois	33	10
Maryland	14	5
Massachusetts	31	3
Missouri	9	--
New Jersey	111	3
New York	474	418
Ohio	6	12
Pennsylvania	72	48

Code and State	Number of Certificates Issued	Refused
Merchant and Custom Tailoring	220	73
California	14	—
Illinois	7	—
Indiana	2	—
Kentucky	3	—
Maryland	2	—
Massachusetts	7	—
Minnesota	2	—
Missouri	4	1
New York	139	37
Ohio	3	5
Pennsylvania	32	30
Virginia	1	—
West Virginia	3	—
Wisconsin	1	—
Narrow Fabrics	49	83
Connecticut	14	56
Massachusetts	1	—
New York	32	26
Pennsylvania	1	—
Rhode Island	1	1
Novelty Curtains, Draperies, etc	6	13
New York	3	8
Pennsylvania	3	5
Pleating, Stitching and Bonnaz and Hand Embroidery	126	447
California	7	—
New Jersey	4	—
New York	100	428
Pennsylvania	15	19
Powder Puff	13	1
California	6	—
Illinois	2	—
New York	5	1
Schiffli, the Hand Machine Embroidery, etc	22	1
New Jersey	20	—
New York	2	1
Set Up Paper Box	21	9
New York	7	7
Pennsylvania	13	2
Rhode Island	1	—
Slit Fabric	5	10
New Jersey	—	1
New York	5	9
Stay	3	25
New York	3	25

Code and State	Number of Certificates Issued	Refused
Flags	118	43
California	37	—
Illinois	8	3
Indiana	8	1
Massachusetts	6	—
Minnesota	14	—
New York	32	32
Ohio	—	6
Rhode Island	13	1
Toy and Playthings	121	150
Connecticut	1	—
Georgia	2	1
Missouri	4	—
New Jersey	21	6
New York	81	142
Pennsylvania	11	1
West Virginia	1	—
Undergarment and Negligee	153	219
California	62	47
Connecticut	1	24
Minnesota	3	—
New Jersey	13	1
New York	71	147
Pennsylvania	3	—
Underwear	10	1
Connecticut	1	1
Minnesota	2	—
New Jersey	3	—
Pennsylvania	4	—
Other Codes	48	14
Codes not Reported	4	—

NRA AND INDUSTRIAL HOMEWORK

Supplement on Homework

in the

Knitted Outerwear Industry

Part I

INTRODUCTION

PART I

INTRODUCTION (*)

The proposed Knitted Outerwear Industry Code as first submitted contained a provision prohibiting homework. This did not represent a policy arrived at by careful factual study. There was little accurate or comprehensive information available about homework in that industry.

However, the production of a number of groups in the industry (sportswear, headwear, hand-finished products and infants' and children's wear) depended upon homework to a considerable extent. As a result of their efforts the prohibition of homework was stayed in the code for a period of one year after the effective date (or until January 1, 1935). It was provided that piecework rates for homeworkers be fixed and that a committee be appointed to make a study of homework and to render a report "upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers." (See "Documents", Exhibit "A" - Knitted Outerwear Code Homework Provision.)

The report of the Administrator to the President on the Knitted Outerwear Industry Code described homework as "a major problem in this industry" and added that "more time should be allowed for study of the problem."

On April 30, 1934, the Hand-Knitted Division Committee was officially appointed by Administrative Order. No. 164-9. (It had however, been organized before this. Its first meeting was held on April 5.) This committee made no statistical survey. It relied entirely upon the personal knowledge of its industry members.

The committee could not agree upon the question of wage rates to homeworkers. However, the members of the committee who employed homeworkers proposed to amend the code and incorporate therein a set of regulations for the control of the homework system of production on the Knitted Outerwear Industry. It was planned also, to submit certain standard hourly rates upon the basis of which piecework rates to homeworkers were to be computed.

The report of the committee was presented orally at a public hearing on October 8, 1934. At this hearing also the proposed regulation of homework and the basic hourly rates were more fully analyzed and discussed. (**)

(*) Prepared by O. W. Rosenzweig

(**) See Volume 1, Transcript of Hearing on the Knitted Outerwear Industry, Regulations for the Homework System of Production, etc., Day and Night Sessions, October 8, 1934.

After consideration of the record and the evidence offered in support of the Committee's proposals, the National Recovery Administration took no action to approve either the regulations or the basic rates. This was because "the Deputy Administrator (in charge of the Knitted Outerwear Code had recommended that the report was inadequate, and that the Committee failed to establish any facts which would warrant the continuance of homework in this industry, and also failed to present any adequate plan for the control of same." (See "Documents," Exhibit "B".)

This left the homework provision of the approved code in effect with the stay of the prohibition of homework scheduled to expire on December 31, 1934.

When the homework production groups and members of the Knitted Outerwear Industry were advised that NRA would not approve the recommendations of the Hand Knitted Division Committee, the homework employers petitioned the National Recovery Administration for a further stay of the code prohibition of homework in the Knitted Outerwear Industry.

After numerous conferences, it was decided by NRA to grant this request and stay the homework provisions of the code for a period of three months (from January 1 to April 1, 1935). (*) The Order, (Administrative Order No. 164-36, "Documents," Exhibit B) granting the stay approved certain regulations of the homework system (to be in effect for the duration of the stay) and required that the members of the industry using homework labor should comply with the provisions of the code and regulations. It was provided further, that (1) a Homework Commission be established for the purpose of collecting, assembling, and analyzing "all information, data and facts relative to and concerning Homework Production in the Knitted Outerwear Industry"; (2) the Knitted Outerwear Industry Code Authority be responsible for the administration and enforcement of the regulations for the homework production; and (3) all actions of the Code Authority relating to enforcement of the homework regulations be subject to the supervision and direction of the Homework Commission. (See "Documents," Exhibit "C".)

Briefly, the homework regulations (1) required a complete registration of all manufacturers, contractors and homeworkers involved in the Knitted Outerwear Industry homework system; (2) provided for a standard classification of homework products and the setting of piecework rates for the various types; (3) contained safeguards against child labor; (4) provided the means for checking the rates paid to homeworkers by manufacturers and contractors; and (5) established the machinery and procedure for handling alleged violations of the regulations. (See "Documents," Exhibit "D".)

Shortly after the granting of the stay and the approval of the homework regulations, the three members of the Homework Commission were appointed, and a Homework Bureau to gather the facts and secure compliance with the regulations was established. To provide the necessary operating expenses a budget for the work of the Bureau was

(*) On February 27, 1935, by Administrative Order 164-41, this stay was further extended to Mar 15, 1935.

approved by the National Recovery Administration. (*) The objectives of the Homework Commission (**) were as follows:

(1) To tabulate the homeworkers employed in the Knitted Outerwear Industry and indicate (a) those in rural sections; (b) those in Metropolitan Areas; and (c) the types of homework done.

(2) To determine the earnings of homeworkers.

(3) To study the conditions of manufacture under homework production, including hours of work, assistance by others, and sanitary conditions etc.

(4) To classify the articles manufactured by homework production and to determine which if any, compete directly with machine-made articles or importations.

(5) To study the total cost of the manufacturer, the selling price and value of the article manufactured by homework production.

(6) To study all the facts and circumstances ; pertinent to the question of transferring homework production to factories, and to examine the possibilities of eliminating the evils of the homework system under some form of regulation.

(7) To study and determine proper labor rates to be paid for homework production.

(8) To study and formulate a policy with respect to homework contractors.

From the start, the Homework Bureau exerted every effort to learn who were the homework employers and homeworkers in the industry. The Bureau made use of all available lists of firms in the industry known

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(*) The Budget was for three months. The basis of assessment was 15¢ per month for every homeworker in the industry employed by manufacturers or contractors in the service of knitted outerwear manufacturers. The fee was to be paid by the manufacturers and contractors when homeworkers were registered with the Bureau. On the basis of an estimated 37,700 homeworkers in the Knitted Outerwear Industry, it was expected that $16,965 would be raised during the budgetary period.

(**) For the relation between the Homework Commission provided for in Administrative Order No. 164-36 (See "Documents", Exhibit "C", last paragraph) and the Homework Bureau, (See "Documents", Exhibit "D", Regulation 2.)

or reported to be employers of homeworkers. These lists were checked with names of knitted outerwear manufacturers licensed by the New York State Department of Labor. The Label and Inspection Division of the Knitted Outerwear Code Authority assisted by reporting to the Homework Bureau on possible homework employers. Publicity was given in the "Knitted Outerwear Times" (*) to the fact that the stay of the code homework prohibition applied only to homework employers who registered in accordance with the approved regulations. Before labels were issued by the Code Authority to members of the industry, they were required to declare whether or not they were employing homeworkers.

When they registered (see "Documents", Exhibit "D", Regulation 4), both manufacturers and contractors were required to submit complete lists of their homeworkers. These lists were filed with the Homework Bureau and an individual card was made for each homeworker. Homework employers reported weekly all payments made to homeworkers, and these payments were in turn posted on the individual homeworker's card.

From this brief description of the mechanics of the Homework Bureau's operations, it is evident that every step was taken by the Bureau to insure as complete a register of homeworkers and homework employers (including contractors) in the industry as possible.

The Homework Bureau continued its work until May 27, 1935, when the Supreme Court invalidated the code system. At the time its activities ceased, the Bureau had collected information for the eight-week period between April 1 and May 25, 1935. But this material had not yet been assembled. Arrangements were made by the Division of Review, NRA, and the National Knitted Outerwear Association to complete the work. Several former members of the Bureau staff were re-employed and the assistance of four WPA workers was obtained. The statistical schedules contained in Part IV of this report are the results of their efforts. These schedules are reproduced as submitted. The "Summary Analysis of the Statistical Schedules" (Part III) was written by Mrs. R. L. Landow who acted as Director of the staff while the work was being completed, and checked by Mr. Harold R. Lhowe, Executive Director of the National Knitted Outerwear Association. The documents in Part II were collected and arranged by the writer with the assistance of Mrs. Landow.

The part played by the Homework Commission and the Homework Bureau in the collection and preparation of the statistical material herein presented should be made clear. The latter agency consisted simply of an office staff which did the physical work. The Commission (see "Documents", Exhibit "C", paragraph 7) defined the scope and nature of the investigation to be made by the Bureau. Further, the Commission prepared or aided in the preparation of all forms and questionnaires that were sent out to manufacturers, contractors, and homeworkers. During the progress of the investigation the Commission made such changes of procedure and direction as developments required. While the Commission was able to examine weekly reports on data being collected and assembled, it did not have an opportunity to pass upon or check the final tabulations.

(*) The industry's trade paper issued weekly by the National Knitted Outerwear Association.

A glance at the "Index to Schedules", Part IV, is sufficient to indicate that the accomplishments of the Homework Commission (and of the Bureau) fell short of the objectives. This was because the study unfortunately, was not permitted to run its course. The statements concerning the earnings of homeworkers, particularly, would be much more valuable if they had been supplemented by information concerning the hours which the homeworkers worked to receive the wages paid to them. Nevertheless, this is the first instance in the history of the study of the work problem in the United States where an industry undertook a thorough investigation of its homework problem. It was the only case of its kind under the NRA and had the investigation continued there is little doubt that other industries with vexing homework problems would have profited by this example, both as to technique and substantive results. At any rate, the results of the study, incomplete as they are, tell an interested and significant story.

PART II

DOCUMENTS ON HOMEWORK

IN KNITTED OUTERWEAR INDUSTRY

PART II. DOCUMENTS

Exhibit "A"

Knitted Outerwear Code Homework Provision (Code approved on December 18. 1933; effective on January 1, 1934)

Article VI.

(a) No Knitted Outerwear products shall be manufactured at home for sale or other commercial purpose, except that for the period of one year after the effective date of this Code hand knitting (which shall include hand crocheting, hand embroidering, and hand sewing together of machine-made parts of garments), will be permitted when performed in accordance with regulations and/or piece rates which may be established as herein provided.

(b) Anything contained in Article IV of this Code of the contrary notwithstanding, the Administrator may fix, on or before January 15, 1934, after notice to the Code Authority, and may change from time to time after like notice, minimum piecework rates for any of the operations described in paragraph (a) of this Article.

(c) The Administrator shall appoint a Hand-Knitted Division Committee of seven, three of whom shall be fairly representative of the hand-knit manufacturers, three fairly representative of the machine manufacturers and recommended by the Code Authority, and one representing the Administrator. This Committee shall report to the Administrator within thirty (30) days after the effective date of this Code or within such further time as may subsequently be allowed by the Administrator or his Deputy, with respect to proper minimum piecework rates and shall make a study of and report within six months from the effective date of this Code, upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers.

Exhibit "B"

MEMORANDUM

January 18, 1935.

To: National Industrial Recovery Board

From: Prentiss L. Coonley, Division Administrator

Subject: Code of Fair Competition for the Knitted Outerwear Industry - - Stay of the Provisions of Section (a) of Article VI, insofar as They Apply to Hand Knitting as Escribed in Said Section; and Sections (b) and (c) of Article VI.

When the Code of Fair Competition for the Knitted Outerwear Industry was approved, it contained a provision that all homework in the Industry should expire on January 1, 1935, and that before such expiration date, a Hand Knitted Division Committee should report ot the Administration on the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers.

Due to various delays, the Hand Knitted Division Committee did not start this work within the time anticipated. On October 8, 1934, a hearing was held on the report of the Committee. Following this hearing the Deputy Administrator recommended that the report was inadequate, and that the Committee failed to establish any facts which would warrant the continuance of homework in this Industry, and also failed to present any adequate plan for the control of same.

The respective associations representing homework production and members of the industry were advised of these facts, whereupon the associations presented to the Administration petitions for a stay of the provisions of the Code which terminated homework.

After numerous conferences we deem it advisable to stay the homework provisions of the Code until April 1, 1935, for those members of the Industry who agree in writing to comply with the Code and the Regulations. The stay shall become effective upon the date of signing of the Order approving same, and the Regulations shall become effective February 1, 1935.

It was decided in arranging this stay not to provide for minimum rates, as it was felt that without proper regulatory provisions and adequate statistics, any attempt at establishing minimum wages would result in creating wholesale violations and in addition would upset the Industry, as rates would be increased at a time when members of the Industry had contracted for their yarn and sales for the season. The knitwear associations involved stated that their season usually runs from the end of December to after July 4th, but that April 1st would give them sufficient time to work off their present commitments.

Filed petitions will be heard to determine what if any further exemptions are justified.

This stay period, however, is intended as a transition period, during which the "sportswear", "hand joined" and "beret" branches of the industry may adjust themselves to Code provisions by bringing their work to inside shops or factories. Some members are preparing to do this and the Code Authority will be advised of the purpose of the stay when the order is signed. If at the expiration of the stay some members are still in process of transferring the work to shops or factories, it may be necessary to grant reasonable addition of time to those who show need for it.

The "Infants" and Children's" branch presents a more difficult problem of transition and will require further consideration.

The Regulations provide for a Homework Commission of three persons to be established by the Administration which will be representative of Labor, Industry and the Administration. The Homework Commission will supervise the regulation of homework production and report its findings to the Administration.

The various Advisory Boards have approved the Regulations for Homework Production in the Knitted Outerwear Industry and the Order approving same.

The following documents are attached hereto:

Order granting Stay
Regulations for Homework Production in the Knitted Outerwear Industry
Report of the Industrial Advisory Board
Report of the Labor Advisory Board
Report of the Consumers' Advisory Board
Report of the Legal Division
Report of the Research and Planning Division
Assent of Industry
Transcript of Hearing held on October 8, 1934

I analyze said Stay and Regulations for Homework Production in the Knitted Outerwear Industry and find said analysis and findings to be incorporated herein by reference. Said Stay and Relations are accordingly recommended for your approval.

M. D. Vincent
Deputy Administrator

Approval Recommended:

Prentiss L. Coonley
Division Administrator

SOURCE: Volume I, Administrative Order no. 164-36

Exhibit "C"

Administrative Order Staying Application

of Article VI With Respect to

Hand Homework

ORDER NO. 164-36

Code of Fair Competition for the

Knitted Outerwear Industry

Granting Application for a Stay of the Provisions of Section (a) of Article VI, insofar as They Apply to Hand Knitting as Described in Said Section; and Section (b) and (c) of Article VI, and Approving Regulations for Homework Production.

WHEREAS, the Code of Fair Competition for the Knitted Outerwear Industry provided for a Hand Knitted Division Committee, which Committee was to have studied and reported to the Administration its recommendation for minimum piece work rates applicable to homework production in the Industry, and further to have reported upon the practicability of discontinuing homework in the Industry or setting up a system of control for homeworkers; and

WHEREAS, the Hand Knitted Division Committee has rendered a report to the Administration, and

WHEREAS, hearings having been duly held thereon, and the Deputy Administrator having reported, and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act; and

WHEREAS, Regulations for Homework Production have been submitted by the Code Authority to the National Industrial Recovery Board for its revision, modification, and approval;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, the attached Regulations are hereby approved; and it is hereby ordered that the provisions of Section (a) of Article VI of the Code of Fair Competition for the Knitted Outerwear Industry, insofar as they prohibit the manufacture in homes, for sale or other commercial purposes, of the products of hand knitting (which includes hand crocheting, hand embroidery, and hand sewing together of machine made parts of garments) on and after January 1, 1935, and Sections (b) and (c) of Article VI, be and they are hereby stayed for the period from the date of this Order to April 1, 1935;

PROVIDED, HOWEVER, that the members of the Industry engaged in homework production in the Knitted Outerwear Industry comply with the provisions of the said Code and the Regulations attached hereto; and

PROVIDED, FURTHER, that a Homework Commission of three (3) members shall be appointed by the National Industrial Recovery Board, which shall consist of one (1) representative from the Division of Research and Planning of the National Recovery Administration, who shall be Chairman, one (1) representative from the Labor Advisory Board of the National Recovery Administration; and one (1) representative to be selected by the Code Authority by the Knitted Outerwear Industry. The duties and powers of the Homework Commission shall include the collection, assembling, and analyzing of all information, data and facts relative to and concerning Homework Production in the Knitted Outerwear Industry, and to make reports and recommendations to the National Industrial Recovery Board on or before April 1, 1935, relative to the most practical method of enforcing the provisions of Article VI of this Code, or as required by the National Industrial Recovery Board; and

PROVIDED, FURTHER, that the Code Authority of the Knitted Outerwear Industry shall administer and enforce the Regulations attached hereto for Homework Production, and shall render to the Homework Commission such information, data, and reports as the Homework Commission may require from time to time, and assist the Homework Commission generally. The actions and functions of the Code Authority and/or its agencies with regard to the enforcement of the Regulations for Homework Production shall at all times be subject to the approval, supervision, and direction of the Homework Commission. The Homework Commission shall also have the right to participate in any of these actions of the Code Authority and/or its agencies with respect to Homework Production.

This Order is subject to revocation upon proper showing of cause or subsequent order.

National Industrial Recovery Board

By W. A. Harriman /s/
W. A. Harriman
Administrative Officer

Approval Recommended:

PRENTISS L. COONLEY /s/
Prentiss L. Coonley
Division Administrator

February 4, 1935.

Exhibit "D"

Regulations for Homework Production in

the Knitted Outerwear Industry

(Approved in Administrative Order No. 164-36 Dated February 4, 1935)

For the Purpose of regulating homework during the period of the Stay of the provisions of Article VI of the Code of Fair Competition for the Knitted Outerwear Industry, the following regulations are hereby adopted:

Regulation 1.

(a) Code Definitions: The definitions, contained in Article II of the Code of Fair Competition for the Knitted Outerwear Industry, are incorporated herein.

(b) Homeworker: The term "Homeworker" as used herein, includes every person who does, in his or her home, hand work for pay, in the production, in whole or in part, of any of the products of the Industry.

(c) Homework Production: The term "Homework Production" as used herein, means the manufacture of products in whole or in part, by homeworkers.

(d) Manufacturer: The term "Manufacturer" as used herein, includes every person, firm or corporation who or which uses or employes homework contractors and/or homeworkers as herein defined.

(e) Homework Contractor: The term "Homework Contractor" as used herein shall include every person, firm or corporation who or which employs Homeworkers to make any of the products of the Industry as defined in the Code, in whole or in part, for manufacturers who provide the necessary raw material.

(f) Homework Commission: The term "Homework Commission" as used herein shall mean the Homework Commission created and established by the National Industrial Recovery Board.

(g) Bureau: The term "Bureau" as used herein shall mean the Homework Bureau created and established under Regulation 2 hereof.

Regulation 2.

The Code Authority shall establish at its office in New York City, N. Y., as its agency, a Bureau for the purposes of carrying into effect these Regulations, securing compliance thereto and to the Code by the members of the Industry subject ot these Regulations, and to obtain information, statistics, and data relative to homework production in the Industry, to report thereon to the Homework Commission. The Code Authority shall report to the Homework Commission on the personnel of the Homework Bureau to assure a thoroughly impartial and competent presentation of all data. Any of the acts of the Bureau and/or the Code Authority under or pursuant to these regulations, shall be subject to review and approval by the Homework Commission. The records of the Homework Bureau shall be completely available to the Homework Commission but shall not be available to individual members of the Code Authority or to individual members of the Industry, and shall in all respects be kept confidential.

Regulation 3.

In order to provide for the administration of these Regulations and for the conduct of the work of the Homework Bureau the Code Authority shall prepare a budget to cover the costs of said administration and work, and a basis of contribution by homework employers for approval by the National Industrial Recovery Board.

Regulation 4.

On or before February 25th, 1935, manufacturers and/or Homework contractors shallfile with the Bureau, a consent, in writing, in such form as may be approved by the Bureau, that he accepts the condition under which the stay of the provisions of Article VI of the Knitted Outerwear Code was granted, and that he will comply with the Code and all regulations adopted pursuant thereto. At the same time, he shall file a list of the names and addresses of all homeworkers and homework contractors he employs, and, in addition, the names and addresses of those he intends to employ. Homework Contractors shall file a list of the names and addresses of all manufacturers by whom they may be employed. Any change or addition to such lists after filing of original lists shall be immediately reported to the Bureau, and any manufacturers and contractors beginning production subsequent to February 25, 1935, shall file the consent and lists designated herein before undertaking production. Failure to report as herein provided shall be deemed a violation of the conditions under which said stay was granted.

The assessment for the first month of these Regulations shall be paid at the time of filing the consent and lists required above. Failure to pay the assessments for the administration of those Regulations is a failure to comply with the conditions of the Stay of Article VI.

Regulation 5.

(a) The Homework Commission with the aid of the Bureau shall ascertain and establish classifications of types and grades of garments and products of homework production in the division of the Industry covered by these Regulations, and recommend the standards for minimum piece work rates for the same.

Regulation 6.

(a) Manufacturers and/or homework contractors shall comply with all Federal, State, and municipal laws; the Code; regulations of the National Industrial Recovery Board, and the Code Authority, affecting the production of knitted outerwear.

(b) Manufacturers and/or homework contractors shall not knowingly use or employ child labor or employ any homework-contractor or homeworker who uses or employs child labor in the making of any products of the Industry.

(c) Manufacturers and/or homework contractors shall not employ nor permit any homeworker to use any machine in the production of knitted outerwear products other than hand knitting or crocheting needles.

(d) Manufacturers and/or homework contractors shall pay homework contractors and/or homeworkers as the case may be, for work performed, either by check or by cash, obtaining a signed receipt, and shall keep the check vouchers and/or receipts for a period of six (6) months after issuance, available for the inspection of the Bureau. Such checks and/or receipts shall be in form approved by the Bureau .

(e) Manufacturers and/or homework contractors shall not employ any homework contractor or homeworker to do any homework unless the order for such work is given on the uniform order blank published and approved by the Bureau, and unless such manufacturer and/or homework contractor certifies thereon that such order form contains a true and complete statement of all the prices, piece work rates, terms and conditions of such order.

(f) Manufacturers shall within ten (10) days after purchase, report to the Bureau all purchases, with full details pertaining to the same, of wholly or partially hand made products.

(g) All transportation charges on homework shall be borne by the manufacturer or homework contractor.

Regulation 7.

(a) Manufacturers and homework contractors shall keep accurate and complete records of all their transactions of homework production, and particularly records of payrolls, labor costs, and other costs of homework production as shall be required by the Bureau.

(b) Manufacturers and/or homework contractors shall upon request of the Bureau furnish such accurate reports based upon such records and furnish such data and samples or photographs of the products of homework production made by them, as may be required for the purposes of observing

the extent of compliance with the provisions of the Code and these Regulations and the operation of homework production in the division of the Knitted Outerwear Industry covered by these Regulations. The Bureau or its agencies may examine all pertinent books, records and papers of any manufacturer or homework contractor as may be necessary to verify such reports or to assure compliance with the Code and with these Regulations. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority or otherwise, or be given any other publication except such as may be required for the proper administration or enforcement of the provisions of the Code and/or regulations adopted pursuant thereto.

Regulation 8.

(a) Manufacturers shall keep on file, available for the study and inspection by the Bureau, or its agencies, a sample (or, if permitted by the Bureau, a photograph thereof) of each style and/or product manufactured, with complete specifications and detailed calculation of the piece rates.

(b) Manufacturers shall file with the Bureau such complete specifications and detailed calculations and piece rates paid, with style number identifying the samples on file in their respective places of business.

Regulation 9.

(a) Whenever the Bureau or Code Authority shall have cause to believe that any manufacturer or homework contractor has failed to comply with any provision of the Code or regulation adopted pursuant thereto, it shall give due notice of the charge against him and shall afford adequate opportunity to be heard and such hearing shall be held according to the authorized procedure for handling trade practice complaints. All the remedies and penalties of the Act and regulations promulgated pursuant thereto shall be applicable in case of such violations.

(b) Whenever it shall be established by the Bureau or the Code Authority, after full opportunity to be heard shall have been given to the manufacturer or to the homework contractor involved (hereinafter referred to as the respondent), that the respondent shall have violated any of the provisions of the Code or of regulations adopted pursuant thereto; the Bureau may recommend to the Homework Commission, when the interests of the Industry may so require, that the stay be vacated with respect to such respondent, and the Homework Commission may recommend action to the National Industrial Recovery Board.

Regulation 10.

Copies of these Regulations, and the said Order granting the stay, shall be conspicuously posted in the place of business of all manufacturers and homework contractors. The Bureau may from time to time publish to homeworkers, information which in its opinion may be necessary or desirable to assure the purposes of these Regulations.

Regulation 11.

No member of the Industry shall have the right to modify or waive the performance of any of these Regulations.

Regulation 12.

Any party aggrieved by any act or decision of the Bureau or the Code Authority may appeal to the National Industrial Recovery Board.

Regulation 13.

These Regulations, when approved by the National Industrial Recovery Board, shall have the same force and effect as any provision of the Code.

Regulation 14.

These Regulations may be modified, amended, and/or appealed, in whole or in part, in accordance with the provisions of the Code by the National Industrial Recovery Board, and shall be binding upon all members of the Knitted Outerwear Industry affected by these Regulations.

PART III

SUMMARY ANALYSIS OF STATISTICAL SCHEDULES

PART III.

SUMMARY ANALYSIS OF STATISTICAL SCHEDULES (*)

The total number of firms reported from all sources to be interested in homework production in the Knitted Outerwear Industry, was 214. Of these, 173 registered. 41 had not registered and were being investigated to determine whether they were employing homeworkers or were members of the Industry at the time of the discontinuance of the Bureau.

The schedules are based upon the information from the registered manufacturers and their registered contractors. The registered manufacturers and contractors filed lists of homeworkers aggregating 16,313. Subsequently, from payroll reports the Bureau obtained the names of 4,792 additional homeworkers, which, eliminating all duplications, brought the total number on file to 20,300. (**)

It would appear, therefore, that in registering their homeworkers originally, the registrants cooperated to the extend of 78.4%.

This circumstance may be due to the fact that in order to defray the expenses of the Bureau, a charge of 15¢ per registered homeworker per month was made to the manufacturers and contractors. Many manufacturers and contractors registered only part of their homeworkers, which accounts for the difference between numbers of homeworkers shown on Schedule I, based on registration, and figures shown on Schedule III, obtained directly from paid homeworkers' cards.

It may be due also to the fact that some homework employers registered only the number of homeworkers actually engaged at the time of registration, which may have been only a part of the list of available homeworkers used by the employer.

Of the weekly payroll reports that were required of manufacturers, during the eight week period from April 1st, 1935, to May 25th, 1935, 78% were received.

Classification of Homeworkers

GEOGRAPHICAL: Homeworkers registered with the Bureau were segregated first according to the state of residence.

TYPES OF GEOGRAPHICAL AREAS: Homeworkers were segregated into 4 geographical area classifications according to the character of the locality: Area 1 - those that lived in large industrial cities, rated as Metropolitan Districts in the census of 1930; Area 2 - those that lived in cities of 50,000 population and over, which are not included in Metropolitan Districts; Area 3 - those living in towns of from 5,000 to 50,000 population, and Area 4 - those living in geographical localities not included in the other area classifications.

(*) This analysis was contained in the report submitted to the Division of Review, NRA, by Mrs. R. L. Landow.

(**) See Schedule I-C

PRODUCTS CLASSIFICATION: The homeworkers registered with the Bureau were also classified according to the character of the labor operations performed by them as follows:

(1) Wholly hand knitted or hand crocheted Infantswear, (including handwear) to age 6

(2) Wholly hand knitted or hand crocheted Ladies Sportswear

(3) Wholly hand knitted or hand crocheted headwear

(4) Hand joining of machine made parts of Infants' and Children's wear, to age 12

(5) Hand joining of machine made parts of Ladies Sportswear or Adultswear

(6) Hand finishing of knitted outerwear products by knitting or crocheting

(7) Hand embroidery on knitted outerwear products (*)

(8.) Hand sewing of buttons and buttonholes

(9.) Hand Trimmings

FURTHER CLASSIFICATIONS: It was contemplated that the Bureau, as its activity developed, would further classify and study the homeworkers so as to develop factual information pertaining to hours of labor, rates of pay, value of production, selling prices, (**) extent of child labor, sanitary conditions affecting homeworkers, age of homeworkers and other vocations. The discontinuance of the activity of the Bureau with the termination of the NRA, put a period to this expectation.

CLASSIFICATION OF HOMEWORK EMPLOYERS: Homework employers were also classified geographically and according to the divisions of the Industry in which they operated, the prevalence of contract employment in the industry, and the proximity of the homeworker to the place of business of the employer.

HOMEWORKERS IN THE KNITTED OUTERWEAR INDUSTRY: The problem of homework in the Knitted Outerwear Industry does not seem to be quite as extensive as estimated in the testimony given at the public hearing on Homework in this Industry on October 8th, 1934. During the eight weeks from April 1st, 1935, to May 25th, 1935, only 13,266 workers of the total of 20,300 listed with the Bureau, received payments (Schedule II) and their earnings amounted to $127,022.23.

(*) Hand embroidery is not properly an operation in the Knitted Outerwear Industry, being done only incidentally on infantswear, and should be considered in conjunction with that group.

(**) The procedure and forms for these additional studies were actually prepared and the education of the employers begun in connection therewith.

This means that these workers averaged $1.20 a week. In fact, 60% of them earned less than 75¢ a week, 16% earned from 75¢ a week, to $1.25, and only 23% earned amounts that ranged upwards of $1.25 a week. (Schedule III)

The number of homeworkers who received payments during the period of the study, was 65% of the total number on file at the Bureau. This does not mean that the 7034 workers who received no payments during that time were not working, merely that completed work had not been returned to the manufacturer or payments made. Therefore, figures given in Schedules III to XIII, which deal only with the 13,266 who received payments, should be considered as 65% of the total, if an estimate is desired of the entire situation as applied to the 20,300 workers. This would place the estimated amount that homeworkers probably earned during a year, at $1,106,833.50.

PRODUCTS CLASSIFICATION: Dividing the homeworkers paid in this period into their labor classifications, we find three which include most of the homeworkers, and most of the earnings, to wit:

The hand knitted or crocheted infantswear group takes 68.3% of the workers, and received 40.2% of the earnings;

The headwear group takes in 12.1% of the homeworkers, and received 16.5% of the earnings;

The ladies sportswear group similarly takes in 7.3% of the homeworkers and 12.3% of the total earnings of all groups. Together these three branches of the Industry take in 87.7% of the workers and 69% of the total earnings.

The remaining 12.3% of the workers, earning 31% of the wages paid, are employed in all the other divisions of the Industry. (Schedule XIII)

LOCATION: Homeworkers in the Knitted Outerwear Industry are located in 31 states, with the greatest numbers in the States of New York, (33.2%) Maine (29.3%) Pennsylvania (14.2%) and New Jersey (13.9%).

The paid homeworkers were found mainly in either Metropolitan areas or in strictly rural sections, with a negligible number located in the smaller towns or cities. (Schedule III A to D)

The rural workers, who represent 54.7% of the total number of paid homeworkers, averaged $4.96 for the entire 8 week period, or 62¢ a week. Only 7.9% of them earned amounts upwards of $10 for the entire period.

The Metropolitan workers, who represent 38.9% of the total number of homeworkers paid, averaged $16.42 for the period, or $2.05 per week, and 45.7% of them earned amounts above $10.

Since the work of the Bureau was interrupted before standard rates could be established which would reflect the hours of labor, it is impossible to determine exactly whether the work in the rural sec-

tions is truly of a pick-up leisure time nature, (and how many hours the earnings of 62¢ represent,) or whether in the Metropolitan areas long hours a day were necessary to earn this average of $2.05 a week, or how many members in a family assisted.

PRODUCTION GROUPS IN THE INDUSTRY: 98.6% of the homeworkers and 97.2% of the total earnings were segregated into the 9 production groups of the Industry. There was but a small number, 132 workers, whose earnings amounted to $3,448.71, not included in Schedules IV to XIII, as their work included operations in several production groups, and it cannot be exactly determined how much they received for each type of work.

Group (1) Wholly Hand Knitted or Hand Crocheted Infantswear, (including Headwear) to age 12: (Schedule IV) This is the largest production group in the Knitted Outerwear Industry that employs homeworkers. It employed 68.5% of the workers paid during the survey, and their earnings amounted to 40% of the total. In New York State, where the majority of these manufacturers are located, the prohibition of homework on any kind of infantswear in tenements, has forced hand knitted infantswear firms to send work out broadcast over 30 states, the only group with such a wide spread field.

In 16 of these states nothing but infantswear is produced, and they therefore appear only on Schedule IV. Mississippi has one worker registered in this group, but it is not shown in this Schedule as that worker received no payment during the survey. Wisconsin is the only state included in the study which has no homeworkers on infantswear.

Over three quarters of all the workers employed in this type of production, live in rural areas, principally in Maine, New York and New Jersey. The average of earnings was the lowest of any production group in the Industry, $5.67; and 73.1% of all the homeworkers employed herein fell into the category of those earning under $6. for the period. This average of $5.67 dropped to $4.78 for the workers in rural districts only, and rose to $10.77 in Metropolitan areas.

Group (2) Wholly Hand Knitted or Crocheted Ladies Sportswear (Schedule V) This group has the third largest group of homeworkers in the Industry, and its general average of earnings is the third from the lowest. It employed 7% of the total number of workers, mainly in the Metropolitan areas of Philadelphia and New York City. Their earnings totalled 12.3% of the entire amount paid out.

The general average was $16.24 for the eight weeks, which increased to $18.83 for the Metropolitan area of Philadelphia, which is the center of production for highly styled hand knitted ladies sportswear. (*).

(*) The group of employers in this division lagged behind in their cooperation. Their percentage of cooperation was 71.5% as against 79.2% for reports; and the percentage of homeworkers paid in Pennsylvania was 47% of those registered, compared with 67.9% in New York.

40% of the workers in this group earned under $6 for the eight weeks, and 41% earned upwards of $10 for the period.

Group (3) Wholly Hand Knitted or Crocheted Headwear (Schedule VI) This group employs the second largest number of homeworkers in the Industry, and has the second lowest average earning. It employs 12% of the total number of homeworkers, and those principally in the Metropolitan area of New York City. The amounts earned represent 10.5% of the total expended. The group's average earning of $13.11 drops to $12.31 for the Metropolitan area of New York, where most of the workers live. Most of the employers in this group are centered in New York City, but in Pennsylvania and Michigan, where the workers are employed by firms in their own states, the average rises to $33.16 for Michigan and $22.42 for Pennsylvania. The highest amount earned by any one worker during the survey was $244.77, paid to a worker in this group in New Jersey. Whether this worker earned this average of $30.60 per week by her own efforts is extremely doubtful, but we have no way of establishing definitely how many assisted with the work. (*)

Group (4) Hand Joined (machine made parts) Infantswear and Children's wear up to 12 years (Schedule VII) Homeworkers in this group are but 3.9% of the total number employed by the Industry, and their earnings are 10.1%. New York City is the center of this production group, and the greatest number of workers are also located there. The general average for workers in New York is $25.34, doubtless due to their ability to obtain a large volume of work, as the average for workers in California dropped to $16 for the period, and in Michigan to $10.86.

Group (5) Hand Joined (machine made parts) Ladies Sportswear and Adultswear (Schedule VIII)

This group employs the smallest number of homeworkers of any in the nine, but shows the highest general average of earnings, $32.77. The majority of workers engaged therein earned over $10 for the period. It is only in the state of Maine that most of the workers failed to earn even $6 a week. Although 10 states are included in this Schedule, most of the workers lived in the Metropolitan area of New York City, where the general average was $26.22. This work seems to be done in the immediate vicinity of the manufacturer.

Group (6) Hand Finishing of Knitted Outerwear Products (Schedule IX)

This type of work was done in ten of the states where manufacturers registered, and apparently is done quite close to the factory. It engaged 2% of all the homeworkers, who earned 6.4% of the total earnings, mainly in the metropolitan area of New York City. The average earning was $30.60, and 73.1% of the workers earned over $10 for the period.

(*) It must be kept in mind that this group was reluctant to disclose information, and the disclosures were not as complete as that of other groups.

Group (7) Hand embroidery on Knitted Outerwear Products (Schedule X)

3% of the total homeworkers on file are engaged only in this work, and their earnings are 5.9% of the total. They are located mainly in the Metropolitan area of New York City. It has the fourth lowest general average of earnings, $17.84 for the 8 weeks, and the lowest single payment recorded, 15¢ was in this group.

Group (8) Hand Sewing of Buttons and Buttonholes (Schedule XI)

Group (9) Hand Trimmings (Schedule XII)

Both these groups are extremely small, and the workers are engaged almost entirely in the metropolitan area of New York City. The work is done close to the factories.

PAYMENTS TO HOMEWORKERS ACROSS STATE BORDERS

It was impossible to determine exactly from the registry records the relation of the payrolls and homeworkers reported by contractors to the total expenditures by manufacturers in the various states, as contractors were employed sometimes by manufacturers in their own states and sometimes by manufacturers in other states, or by both. (Schedule I-G)

For instance, in the following four states manufacturers report employing contractors as follows:

Firms in New York employed contractors in Tennessee, Connecticut, Maryland, Maine, Pennsylvania, New Jersey and New York. Pennsylvania firms employed only Pennsylvania and New Jersey contractors. New Jersey manufacturers employed contractors only in New Jersey. One manufacturer in Maryland employed contractors in Virginia, Ohio, Pennsylvania and New York.

Firms registered in the other ten states did not employ contractors at all.

It was, therefore, decided to segregate in Schedule XIV only those payments made directly to homeworkers by manufacturers or contractors definitely located across state borders, and the totals shown thereon are the extreme minima.

A comparison of the payrolls reported by manufacturers in the 13 states shown on Schedule I-A, and the amounts paid homeworkers by firms within their own states, indicates that in the nine states of California, Massachusetts, Illinois, Ohio, Michigan, Maryland, Vermont, Maine and Washington, the entire amount reported by manufacturers was spent within the state limits.

It is also interesting to note that out of the total amounts paid by manufacturers, $28,181.81, to homeworkers outside of their states, $25,732.09 was paid for hand made infantswear. This is due to the prohibition in New York State of homework on infantswear in tenements. It is likely that further regulation in New York which would affect homework on headwear, or in Pennsylvania affecting ladies sportswear, would force those types of work also into states where there is no restriction on homework.

The state where manufacturers made the greatest number of out of state payments was New York, where $26,108.27 was paid to 5365 workers in 26 other states (91.5% of which was for wholly hand made infantswear as above noted.) These payments for infantswear were the only ones recorded for 13 of the states. (Schedule XIV)

Next comes Pennsylvania, with $1,286.11 paid to 174 workers outside state limits, and New Jersey with $401.02 to 60 workers, and lastly Wisconsin with a small amount to workers in an adjacent state for the hand finishing of knitted outerwear.

Payments by contractors made across state boundaries were small, totalling in all $241.65 to 41 homeworkers for wholly hand made infantswear, by contractors located in New York, New Jersey, Maine and Connecticut.

The total of payments received by homeworkers across state borders was $28,478.62, and the only divisions of the Industry that were concerned in this direct flow of money inter state were: hand made infantswear, headwear, ladies sportswear, hand joining of ladies sportswear, hand finishing and embroidery. Of the 5649 homeworkers involved, 5141 lived in rural districts, 187 in Metropolitan areas, and the balance in the smaller towns and cities.

Homework Employers in the Knitted Outerwear Industry

LOCATION: Manufacturers registered from 13 states of the Union, but 64% of the total number were located in New York, 10% in Pennsylvania and 9% in New Jersey. The remaining 17% were distributed in small proportions over the other 10 states. Obviously then, the manufacturers in NewYork, New Jersey and Pennsylvania are those primarily interested in this method of production. These firms are centered chiefly in the Metropolitan areas of New York City and Philadelphia. (938) Firms in New York City employed 91% of the total of contractors reported, and registered 68.7% of the homeworkers.

USE OF CONTRACTORS: The most prevalent method of operation was to employ homeworkers directly, but a small group of 29 manufacturers who employed both contractors and homeworkers, did a larger volume of business than either of the other two groups of firms using homeworkers only, or contractors only. The only production groups that used no contractors were hand joining of infantswear, hand trimmings, and the sewing of buttons and buttonholes.

PRODUCTS CLASSIFICATION: An attempt was made to ascertain how much was paid by manufacturers to homeworkers and contractors in each of the 9 production groups set up for study, but it was found that only 62.1% of the firms could be so classified. The other 35.8% were engaged in every variety of production, though wholly hand knitted or crocheted infantswear predominated in such combinations. No very conclusive facts were obtained in Schedules I-E and I-E(a) on this point, but they are included for general information.

CONTRACTORS: On March 1st, 1935, a letter containing registry cards, forms for reporting lists of homeworkers and manufacturers, were

sent to all names of contractors on file. These were followed up with letters and visits from inspectors, until registration was obtained.

Of the 364 contractors reported by the manufacturers, 303 registered with the Bureau. The contractors were an illiterate group, and it was with great difficulty that they were made to understand what was required. Personal explanations had to be made. Reports were not correctly made out, and were difficult to decipher. In fact, only 1430 out of the required 2424 weekly reports for the 8 week period, were sent in by contractors, and it is obvious that if results are to be obtained by any system of regulation, full responsibility should be placed upon the shoulders of the manufacturers. (Schedule I-B)

Contractors paid out 37% of the total amount earned by homeworkers, and their own commissions were 19.5% of the total payrolls of manufacturers. (Schedule I-C)

Contractors in 10 States registered with the Bureau. Those in Tennessee, Connecticut, New York, Maine and Maryland, worked only for New York firms. In Pennsylvania, contractors worked for New York and Pennsylvania firms; in NewJersey contractors were agents for New York, Pennsylvania as well as New Jersey firms. California contractors worked only for firms in their own state. The one exception was one Maryland concern that employed contractors in New York, Pennsylvania, Maine, Ohio and Virginia.

The great majority of contractors were located in New York and New Jersey. (Schedule I-F)

Only 76.6% of the contractors could be classified into the various production groups, the largest number being included in Group (1) wholly hand made infantswear. Of the 23.4% who were engaged in more than one type of production, most of them registered in either wholly hand made infantswear, hand finishing of knitted outerwear, or hand embroidery, in addition to other activities. (Schedule I-F (a))

To dilate upon the schedules at greater length would be unnecessarily repetitious. To the limited extend disclosed by the operation of the Bureau during this short period of time, the facts given in these schedules may well be taken as an indication of the conditions that exist in homework production in the Knitted Outerwear Industry.

It also furnishes a basis upon which further study may be made to determine the economic and social implications of continuing or prohibiting this form of labor.

Part IV. Statistical Schedules

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PART IV

The following schedules from 1 through 14 represent the material collected by the Homework Bureau of the Knitted Outerwear Industry for an eight weeks' period from April 1st, 1935 to May 25th, 1935. These schedules are reproduced exactly as submitted by the Homework Bureau. They include the statistical materials summarized in Part III.

SCHEDULE I - REGISTRATION

I-A: Analysis of Manufacturers' Registration, and Reports on which Study is Based.

Location	Reg. Mfrs.	% Total	Payrolls Reported	% Total	Registered workers	Contr. reported	Reports Required	Reports Filed	% Compliance	Mfrs.Reg. but sent no reports	
New York	111	64.3	$125,997.55	79.4	8,445	333	888	704	79.2	?	
Pennsylvania	18	10.4	20,683.88	13.	2,883	15	144	103	71.5	2	(Note: 80%
New Jersey	16	9.2	5,095.31	3.2	659	4	128	95	74.2	2	of known
California	7	4	1,305.70	.8	113	4	56	38	67.8	1	homework
Massachusetts	5	2.9	358.34	.2	17	---	40	27	67.5	1	manufacturers
Illinois	4	2.3	938.05	.6	23	---	32	25	78.1		registered.)
Ohio	3	1.7	679.70	.4	38	---	24	24	100		
Wisconsin	3	1.7	950.21	.6	35	---	24	23	95.8		
Michigan	2	1.1	1,667.21	1.1	52	---	16	15	93.8		
Maryland	1	.6	41.58	.1	7	8	8	8	100		
Vermont	1	.6	498.78	.3	9	---	8	8	100		
Maine	1	.6	427.49	.2	13	---	8	6	75		
Washington	1	.6	16.67	.1	4	---	8	4	50		
TOTALS	173	100.%	$158,660.67	100.%	12,306	364	1384	1080	78%	13	

I-B: Analysis of Contractors' Registration and Reports

Location	Registered contractors	% Total	Payrolls Reported	% Total Contractors Payrolls	Homeworkers Registered by Contractors	Reports Required	Reports Filed	% Compliance	Contr.Reg. but sent no Reports	
New York	211	69.7	$35,280.53	75.3	2,445	1688	981	58.1	35	
New Jersey	64	21.5	8,954.39	19.1	1,033	512	317	61.5	9	(Note:63% of
Pennsylvania	13	4.3	1,066.98	2.3	153	104	62	59.6	3	contractors
Maine	7	2.3	1,259.42	2.7	218	56	37	66	1	reported by
California	3	1	159.50	.3	42	24	21	87.5		manufacturers
Connecticut	1	.3	53.05	.1	16	8	4	50		registered)
Ohio	1	.3	16.67		3	8	6	75		
Maryland	1	.3	---	---	70	8	0	00	1	
Tennessee	1	.3	---	---	18	0	0	00	1	
Virginia	1	.3	6.18	.	3	0	8	100		
TOTALS	303	100%	$46,805.72	100%	4,006	2424	1430	59%	50	

Note: Schedules I-A to I-C are based on registry cards and records. All these figures will not agree with schedules based on paid homeworkers' cards, as 36% of paid homeworkers were not included in registration records, and 43% of homeworkers registered as above were not paid during the 8 week period of the study.

SCHEDULE I - C

Payrolls:

Total Manufacturers Payroll	$158,660.67	(100%)
Total Homeworkers' Earnings	127,662.23	(80.5%)
Total Contractors' Earnings	$ 30,998.44	(19.5%)

Registration: Comparison of Registration Lists with Information Obtained from Weekly Payroll Reports

From Registry:	Home-workers	
Manufacturers Registered	12,306	
Contractors "	4,006	
	16,312	(100%)
Reported by more than 1	804	
	15,508	
Received no payments	7,034	(43.1%)
Reported paid	8 174	

From Payroll Reports

Total number homeworkers paid	13,266	(100%)
Number reported paid who appeared on registry list	8,474	(64%)
Homeworkers whose names were obtained from weekly reports	4,792	(36%)

From Both:

Total number paid during survey	13,266	(65.3%)
Number registered, not paid	7,034	(34.7%)
Total number of homeworkers on record with bureau	20,300	(100%)

SCHEDULE I - D MANUFACTURERS BY METHOD OF OPERATION & LOCATION

Location	Manufacturers employing HOMEWORKERS ONLY			Manufacturers employing CONTRACTORS ONLY			Manufacturers employing HOMEWORKERS & CONTRACTORS			
	Number	Homeworkers	Payrolls	Number	Contractors	Payrolls	No.	Contr.	Homeworkers	Payrolls
California	6	113	$ 1,156.13	1	4	$ 149.57	--	--	--	--
Illinois	4	25	938.05	--	--	--	--	--	--	--
Maine	1	13	427.49	--	--	--	--	--	--	--
Maryland	--	--	--	--	--	--	1	8	7	$ 41.58
Massachusetts	5	17	358.34	--	--	--	--	--	--	--
Michigan	2	59	1,667.21	--	--	--	--	--	--	--
New Jersey	13	496	3,068.50	2	2	833.57	1	2	163	1,193.24
New York	45	3609	28,040.99	42	136	42,913.12	24	195	4836	55,043.44
Ohio	3	39	679.70	--	--	--	--	--	--	--
Pennsylvania	12	2702	16,820.20	3	6	1,355.12	3	9	181	2,508.56
Vermont	1	9	498.78	--	--	--	--	--	--	--
Wisconsin	3	35	950.21	--	--	--	--	--	--	--
Washington	1	4	16.87	--	--	--	--	--	--	--
TOTALS	96	7119	$54,622.47	48	150	$ 45,251.30	29	214	5187	$58,786.82
% of industry	55.5%	57.8%	34.4%	27.8%	41.2%	28.5%	16.7%	59.8%	42.1%	37.1%

Note: Totals for industry -

Manufacturers	173	100%
Homeworkers	12306	100%
Contractors	364	100%
Payrolls	$158,660.67	100%

SCHEDULE I - F - MANUFACTURERS BY GROUPS IN THE INDUSTRY AND METHOD OF OPERATION

GROUPS	MANUFACTURERS Number (method)	Group Total	% of Industry	HOMEWORKERS Number	Group total	% of Industry	CONTRACTORS Number	Group total	% of Industry	PAYROLLS Payrolls	Total for group	% of Industry total
(1) W.H. Infantswear		22	12.7		5228	42.5		96	26.3		$32,878.22	20.7
Homeworkers only	13			2906			--			$10,111.56		
" & contr.	6			2322			86			22,587.05		
Contractors only	3			--			10			179.61		
(2) W.H. Sportswear		14	8.1		1171	9.5		5	1.4		13,351.72	8.4
Homeworkers only	12			1171			--			12,631.25		
Contractors only	2			--			5			720.47		
(3) Headwear		31	17.9		128	1.1		81	22.3		37,559.88	23.7
Homeworkers only	9			83			--			6,212.15		
" & contr.	3			45			4			2,325.29		
Contractors only	19			--			77			29,022.44		
(4) Hand Joined Infantswear		4	2.3		150	1.2	--	--	--		3,284.43	2.1
Homeworkers only	4			150						3,284.43		
(5) Hand Joined Adultswear		17	9.8		119	1		7	1.9		4,927.09	3.1
Homeworkers only	13			94			--			2,140.92		
" & contr.	2			25			5			2,742.23		
Contractors only	2			--			2			43.94		
(6) Hand Finishing		11	6.4		287	2.3		10	2.7		5,250.30	3.3
Homeworkers only	7			59			--			3,603.88		
" & contr.	1			228			7			178.20		
Contractors only	3			--			3			1,468.22		
(7) H. Embroidery		8	4.6		21	.2		5	1.4		693.17	.4
Homeworkers only	5			21			--			418.96		
Contractors only	3			--			5			274.21		
(8) Buttons, etc.		1	.6		1		-				102.28	.1
Homeworkers only	1			1						102.28		
(9) Trimmings		3	1.7		5		-				551.85	.3
Homeworkers only	3			5						551.85		
More than 1 Group		62	35.9		5196	42.2		160	44		60,061.73	37.9
Homeworkers only	29			2629			--			15,565.19		
" & contr.	17			2567			112			30,954.05		
Contractors only	16			--			48			13,542.49		
		173	100%		12306	100%		364	100%		$158,660.67	100%

SCHEDULE I - 2(a) MANUFACTURERS BY METHOD OPERATION -SHOWING LOCATION BY STATES IN VARIOUS GROUPS
2(a): MANUFACTURERS EMPLOYING HOMEWORKERS ONLY

GROUPS	LOCATION OF MFRS.	MANUFACTURERS No. in each state	MANUFACTURERS total in Group	MANUFACTURERS % total using(a) method	HOMEWORKERS Number in each state	HOMEWORKERS Total for group	HOMEWORKERS % total employed by (a) mfrs.	PAYROLLS Payrolls by states	PAYROLLS Total for Group	% total payrolls (a) mfrs.
(1) W. H. Infantswear	New York	9			1,040			$ 6,314.32		
	Pennsylvania	1			1,779			2,984.12		
	New Jersey	1			15			95.74		
	California	1			68			700.51		
	Washington	1			4			16.87		
			13	13.5		2,906	40.8		$ 10,111.56	18.5
(2) W.H. Ladies Sport-wear	New York	1			9			243.89		
	Pennsylvania	7			832			11,519.89		
	New Jersey	4			330			867.47		
			12	12.5		1,171	16.5		12,631.25	23
(3) W. H. Headwear	New York	7			31			3,024.43		
	Pennsylvania	1			15			1,594.68		
	Michigan	1			37			1,593.04		
			9	9.3		83	1.2		6,212.15	11.4
(4) H. J. Infantswear (mach.pts.)	New York	2			124			3,122.61		
	New Jersey	1			4			87.65		
	Michigan	1			22			74.17		
			4	4.8		150	2.1		3,284.43	6
(5) H. J. Adultswear (mach.pts.)	New York	5			54			932.14		
	California	1			2			69.05		
	Illinois	1			2			28.91		
	Massachusetts	4			14			184.55		
	Maine	1			13			427.49		
	Vermont	1			9			498.78		
			13	13.5		94	1.3		2,140.92	4
(6) Hand Finishing of Knitted outerwear	New York	5			41			2,983.74		
	Illinois	2			18			620.14		
			7	7.3		59	.8		3,603.88	6.6
(7) Hand Embroidery on Knitted outerwear	New York	3			9			413.86		
	New Jersey	2			12			5.10		
			5	5.2		21	.3		418.96	.8
(8) Buttons & buttonholes	New Jersey	1	1	1	1	1		102.28	102.28	.2

SCHEDULE I -E (a) continued

Group GROUPS	LOCATION OF MANUFACTURERS	MANUFACTURERS No. in state	MANUFACTURERS Group total	MANUFACTURERS % mfrs using(a) method	HOMEWORKERS Number in state	HOMEWORKERS Group total	HOMEWORKERS % total employed by (a)	PAYROLLS Payrolls by states	PAYROLLS Group totals	PAYROLLS % total payrolls (a) mfrs.
(9) Hand Trimming	New York	1			1			$16.44		
	Wisconsin	1			1			52.41		
	Illinois	1			3			289.00		
Engaged in more than one group	New York	12	3	3.1	300	5		$10,795.56	$ 551.85	1.
	Pennsylvania	3			76			721.51		
	New Jersey	4			134			1,910.26		
	California	4			43			386.57		
	Ohio	3			39			679.70		
	Wisconsin	2			34			897.80		
	Massachusetts	1			3			173.79		
			29	30.2		2,629	37		15,565.19	28.5
			96	100%		7,119	100%		54,622.47	100%
Totals for all groups of states	New York	45			3,609			$28,040.99		
	Pennsylvania	12			2,702			16,820.20		
	New Jersey	13			496			3,063.50		
	California	6			113			1,156.13		
	Michigan	2			59			1,667.21		
	Ohio	3			39			679.70		
	Wisconsin	3			35			950.21		
	Illinois	4			23			938.05		
	Massachusetts	5			17			358.34		
	Maine	1			13			427.49		
	Vermont	1			9			498.78		
	Washington	1			4			16.87		
		96			7,119			$54,622.47		

SCHEDULE I - E(b) MANUFACTURERS BY METHOD OF OPERATION SHOWING LOCATION BY STATES IN GROUPS E(b) MANUFACTURERS EMPLOYING CONTRACTORS AND HOMEWORKERS

GROUPS	LOCATION OF MANUFACTURER	MANUFACTURERS			CONTRACTORS			HOMEWORKERS			PAYROLLS		
		No.	Total in Group	% total (b)	No. in state	Group total	% total employed by (b)	No. in state	Group total	% empl. by (b) mfrs.	Payrolls by states	Group total	% total for Men
(1) W.H. Infantswear	New York	4			81			2082			$ 20,491.66		
	Pennsylvania	1			3			77			902.15		
	New Jersey	1			2			163			1,193.24		
			6	20.7		86	40.2		2322	44.8		$22,587.05	38.4
(2) W.H. Ladies Sportwr.	None												
(3) W. H. Headwear	New York	3	3	10.3	4	4	1.9	45	45	.9	2,325.29	2,325.29	4
(4) H.J. Infantswear	None												
(5) H.J. Adultswear	New York	2	2	7	5	5	2.3	25	25	.5	2,742.23	2,742.23	4.7
(6) Hand Finishing	New York	1	1	3.5	7	7	3.3	228	228	4.4	178.20	178.20	.3
(7) (8) (9)	None												
Engaged in more than one group	New York	14			98			2456			29,306.06		
	Pennsylvania	2			6			104			1,606.41		
	Maryland	1			8			7			41.58		
			17	58.5		112	52.3		2567	49.4		30,954.05	52.6
			29	100%		214	100%		5187	100%		$ 58,786.82	100%
Totals (11 groups by states	New York	24			195			4830			56,043.44		
	Pennsylvania	3			9			181			2,508.56		
	New Jersey	1			2			163			1,193.24		
	Maryland	1			8			7			41.58		
			29			214			5187			$58,786.82	

SCHEDULE I - E(c) MANUFACTURERS BY METHOD OPERATION -SHOWING LOCATION BY STATES IN VARIOUS GROUPS
E(c): MANUFACTURERS EMPLOYING CONTRACTORS ONLY

GROUPS	LOCATION OF MFRS.	MANUFACTURERS			CONTRACTORS			PAYROLLS		
		No. in state	Total in group	% total (c) method	No. in each state	Total for group	% total employed by (c) mfrs.	Payrolls by state	Total for group	% total payrolls (c) mfrs.
(1) W. H. Infantswear	New York	3	3	6.2	10	10	6.7	179.61	179.61	.4
(2) W. H. Ladies Sportwear	New York	1			1					
	Pennsylvania	1			4			720.47		
			2	4.2		5	3.3		720.47	1.6
(3) W. H. Headwear	New York	19	19	39.5	77	77	51.4	29,022.44	29,022.44	64.1
(4) H. J. Infantswear	None									
(5) H. J. Adultswear (mach. pts.)	New York	2	2	4.2	2	2	1.3	43.94	43.94	.1
(6) Hand Finishing of Knitted outerwear	Pennsylvania	1			1			634.65		
	New Jersey	2			2			833.57		
			3	6.3		3	2		1,468.22	3.2
(7) Hand Embroidery on knitted outerwear	New York	3	3	6.3	5	5	3.3	274.21	274.21	.6
Engaged in more than one group	New York	14			43			13,392.92		
	Pennsylvania	1			1					
	California	1	16	33.3	4	48	32	149.57	13,542.49	30.
			48	100%		150	100%		45,251.38	100%
Totals all groups by states	New York	42			138			42,913.12		
	Pennsylvania	3			6			1,355.[illegible]2		
	New Jersey	2			2			833.57		
	California	1			4			149.57		
			48	100%		150	100%		45,251.38	100%

SCHEDULE I - F - Contractors by Location

Location	CONTRACTORS Number	CONTRACTORS Percent	HOME WORKERS Number	HOME WORKERS Percent	PAYROLLS Payrolls	PAYROLLS Percent
New York	211	69.7	2445	61	$ 35,290.53	75.5
New Jersey	64	21.2	1038	26	8,954.39	19.1
Pennsylvania	13	4.3	153	3.9	1,066.98	2.3
Maine	7	2.3	218	5.5	1,258.42	2.7
California	3	1	42	1	159.50	.3
Connecticut	1	.3	16	.4	53.05	.1
Tennessee	1	.3	18	.4		
Virginia	1	.3	3	.1	6.18	
Maryland	1	.3	70	1.7		
Ohio	1	.3	3		16.67	
TOTALS	303	100%	4006	100%	$ 46,805.72	100%

SCHEDULE I Plat contractors by location & Groups of Industries.

Location	CONTRACTORS			HOME WORKERS			PAYROLLS		
GROUP (1)	Number	Total	Percent	Number	Total	Percent	Payroll	Total	Percent
W.H. Infantswear		88	29		1595	39.8		$8,161.80	17.4
California	2			30			148.07		
Connecticut	1			16			53.05		
Maine	4			150			1,023.22		
Pennsylvania	3			36			96.17		
New Jersey	34			723			2,769.13		
New York	44			640			4,074.16		
GROUP(2)									
W.H. Sportswear		15	5		153	3.8		$1,127.27	2.4
New York	7			51			$ 212.50		
New Jersey	2			11			9.00		
Pennsylvania	6			91			905.77		
Group (3)									
HEADWEAR		75	24.		864	21.6		$13,382.78	28.7
New York	70			784			$ 12,681.15		
New Jersey	5			80			701.63		
H.J. GROUP (4)									
INFANTSWEAR		15	5		224	5.6		$ 5,678.19	12.1
New York	13			177			$ 4,854.66		
New Jersey	2			47			823.53		
G ROUP (5)									
H.J. Adultswear		5	1.6		16	.4		$ 147.34	.3
New York	3			13			42.00		
New Jersey	1			2			95.12		
Pennsylvania	1			1			10.22		
GROUP (6)									
Hand Pinching		15	5		116	2.9		$ 2,244.12	4.8
New York	11			86			$ 1,912.39		
New Jersey	4			30			331.73		
GROUP (7)									
H. Embroidery		12	4		150	3.7		$ 2,044.33	4.4
New York	10			120			$ 1,030.90		
Tennessee	1			18					
California	1			12			13.43		
GROUP(8)									
BUTTONS ETC.		5	1.6		11	.3		502.02	1.1
New York	4			8			394.24		
New Jersey	1			3			107.78		
GROUP (9)									
TRIMMINGS		2	.6		2	.1		441.82	.9
New York	1			1			23.91		
New Jersey	1			1			417.91		

SCHEDULE I - P(a) Contractors by Location & Groups of Industry

Continued

GROUP	CONTRACTORS Number	Total	Percent	HOME WORKERS Number	Total	Percent	PAYROLL Payroll	Total	Percent
ENGAGED IN MORE THAN ONE GROUP.		71	23.4		875	21.8		$13,076.05	27.9
Virginia	1			3			$ 6.18		
Maryland	1			70					
Ohio	1			3			16.67		
Maine	3			68			235.20		
Pennsylvania	3			25			54.82		
New Jersey	14			141			3,698.56		
New York	48			565			9,064.62		
TOTALS		303	100%		4006	100%		$ 46,805.72	100%

SCHEDULE I - G

GEOGRAPHICAL LOCATION OF MANUFACTURERS
And
CONTRACTORS

MANUFACTURERS EMPLOYED CONTRACTORS AS FOLLOWS:			CONTRACTORS WORKED FOR MANUFACTURERS AS FOLLOWS:		
Mfrs. Location	Contractors Number	Location	Contractors No.	Location	Location of Mfrs:
New York	1	Tennessee	1	Tennessee	New York
	1	Connecticut	1	Connecticut	New York
	1	Maryland			
	6	Maine	1	Maryland	New York
	2	Pennsylvania			
	54	New Jersey	6	Maine	New York
	209	New York	1	"	New York &
	274		7		Maryland
New Jersey	5	New Jersey	2	Pennsylvania	New York
			9	"	Pennsylvania
Pennsylvania	9	Pennsylvania	2	"	Maryland
	1	New Jersey	13		
	10				
			54	New Jersey	New York
Maryland	1	Virginia	5	" "	New Jersey
	1	Ohio	1	" "	Pennsylvania
	2	Pennsylvania	2	" "	Pennsylvania &
	2	New York			New York
	6		2	" "	Pennsylvania &
					New York &
California	3	California			New Jersey
			64		
Both Pennsylvania & New York	2	New Jersey	209	New York	New York
			2	" "	Maryland
Pennsylvania,			211		
New York &					
New Jersey	2	New Jersey	1	Virginia	Maryland
			1	Ohio	Maryland
New York					
& Maryland	1	Maine	3	California	California
	303				

Note: Only manufacturers in Pennsylvania, Maryland and New York employed contractors in other states.

SCHEDULE - II

HOMEWORKERS REGISTERED
WITH THE
BUREAU
AND
PERCENTAGE PAID DURING 8 WEEK PERIOD

April 1st, - May 25th, 1935

States	Homeworkers Reported	% of Total	Homeworkers Paid	% of total	% Paid in State
New York	6,748	33.2	4,584	34.6	67.9%
Maine	5,937	29.3	4,441	33.4	74
Pennsylvania	2,890	14.2	1,375	10.4	47
New Jersey	2,816	13.9	1,504	11.3	53
Tennessee	561		429		76.
Kentucky	463		339		73.2
California	152		134		88.9
Massachusetts	116		80		68.9
Maryland	101		27		26.7
Vermont	97		74		76
New Hampshire	75		53		70.6
Michigan	68		50		73.5
Connecticut	61		40		65.5
Ohio	54		45		83
Delaware	38		10		
Wisconsin	34		25		
Illinois	28		19		
Virginia	19		11		
Florida	6		2		
North Carolina	6		6		
Washington	5		5		
Texas	4		2		
Alabama	4		1		
Rhode Island	4		1		
Georgia	3		2		
Minnesota	3		2		
West Virginia	2		1		
Dist. of Col.	2		2		
Colorado	1		1		
Mississippi	1		-		
Oklahoma	1		1		
Arizona	-		-		
Arkansas	-		-		
Idaho	-		-		
Indiana	-		-		
Iowa	-		-		
Kansas	-		-		
Louisiana	-		-		
Missouri	-		-		
Montana	-		-		

(Continued on next page)

SCHEDULE - II (Cont'd)

States	Homeworkers Reported	% of total	Homeworkers Paid	% of total	% Paid in State
Nevada	-		-		
New Mexico	-		-		
North Dakota	-		-		
Oregon	-		-		
South Carolina	-		-		
Nebraska	-		-		
South Dakota	-		-		
Utah	-		-		
Wyoming	-		-		
	20,300		13,266		65.3%

NOTE: - In all tables no % shown for States with less than 50 Homeworkers Reported.

SCHEDULE II - A

Distribution of Homeworkers
in
4 Geographical Areas
Set up for this study

Divisions	Metro-politan Districts	Cities of 50,000 or more	Cities from 5,000 to 50,000	Rural Dis-tricts	Number Solely in This Group
(1) Wholly H.K. or H.C. Inf. Wr. (Inc. Headwr.) To Age 6	1,263	36	691	7,078	9,068
(2) Wholly H.K. or H.C. Ladies Sportswear	956		1	12	969
(3) Wholly H.K. or H.C. Headwear	1,566		38	7	1,611
(4) H.J. (Mach. Md. Parts) Inf. & Ch. Wr. to Age 12	501			18	519
(5) H.J. (Mach. Md. Parts.) Ladies Sportswear or Adult Wear.	141	1	10	16	168
(6) H.F. of K.O. Products by Ktg. or Cr.	194		57	20	271
(7) H. Emb. on K.O. Products	394		2	30	426
(8) H. Sew of Buttons & Buttonholes	39			3	42
(9) Hand Trimmings	10				10
TOTAL	5,064	37	799	7,184	13,084
Engaged in more than one group.	93	-	19	70	182
	5,157	37	818	7,254	13,266

SCHEDULE II - B

Homeworkers by Crafts

Crafts		Number Homeworkers	Percent of Total
Hand Knitting & Crocheting	Solely	11,655	87.86
Hand Joining	"	693	5.22
Hand Finishing	"	339	2.56
Hand Embroidery	"	426	3.21
More than one Craft		153	1.15
TOTAL		13,266	100.00 %

SCHEDULE III

Earnings of Homeworkers for Entire 8 Week Period - April 1,1935 to May 25,1935.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
					Range Individual Earnings 8 Weeks			Homeworkers Paid:					
								under $6.		$6. - $10.		over $10.	
States	Number Homeworkers Paid	% of Total	Total Earnings	%	High	Low	Average Earnings	Number	%	Number	%	Number	%
New York	4,584	34.5	$ 57,608.12	45.1	$ 228.64	$ .15	$ 12.56	2255	49.2	736	15.9	1593	34.9
Maine	4,441	33.4	21,840.68	17.1	108.59	.22	4.91	3458	77.9	672	15.1	311	7.0
New Jersey	1,504	11.3	17,520.98	13.7	244.77	.30	11.64	771	51.3	261	17.4	472	31.3
Pennsylvania	1,375	10.3	20,390.12	15.9	168.30	.33	14.82	568	41.3	301	21.9	506	36.8
Tennessee	429	3.2	1,399.72	1.1	26.65	.48	3.26	382	89.0	36	8.4	11	2.6
Kentucky	339	2.5	1,195.39	.9	27.36	.74	3.52	293	86.4	39	11.5	7	2.1
California	134	1.0	1,317.48	1.0	79.71	1.20	9.83	63	47.0	21	15.7	50	37.3
Massachusetts	80	.6	683.87	.5	97.11	.55	8.54	54	67.5	11	13.8	15	18.7
Vermont	74	.5	785.48	.6	143.72	.70	10.61	50	67.6	12	16.2	12	16.2
New Hampshire	53	.4	235.95	.1	19.80	.21	4.45	40	75.5	11	20.8	2	3.7
Michigan	50	.3	1,489.72	1.1	82.93	.96	29.79	5	10.0	4	8.0	41	82.0
Ohio	45	.3	711.46	.5	46.94	2.09	15.81	10	22.2	7	15.6	28	62.2
Connecticut	40	.3	345.29	.2	121.12	.75	8.63	29	72.5	4	10.0	7	17.5
Maryland	27	.2	133.36	.1	9.51	1.90	4.93	19	70.4	8	29.6		
Wisconsin	25		740.89		77.70	1.95	29.63	2		2		21	
Illinois	19		960.65		90.00	4.02	50.56	2		1		16	
Virginia	11		78.81		29.05	1.59	7.16	8		1		2	
Delaware	10		65.00		9.16	2.33	6.50	4		6			
North Carolina	6		28.09		7.90	1.86	4.68	3		3			
Washington	5		24.94		9.04	2.09	4.98	4		1			
Florida	2		21.50		15.50	6.00	10.25			1		1	
Georgia	2		4.69		3.38	1.31	2.34	2					
Minnesota	2		6.99		5.36	1.63	3.49	2					
Texas	2		10.95		9.22	1.73	5.47	1		1			
Alabama	1		2.02		2.02	2.02	2.02	1					
Colorado	1		4.12		4.12	4.12	4.12	1					
Oklahoma	1		2.68		2.68	2.68	2.68	1					
Rhode Island	1		4.82		4.82	4.82	4.82	1					
West Virginia	1		2.90		2.90	2.90	2.90	1					
Dist. of Col.	2		5.56		3.91	1.65	2.78	2					
Total	13,266	100%	$127,622.23	100%	$ 244.77	$ .15	9.62	8032	60.5	2139	16.1	3095	23.4

Note: No % shown for States with less than 50 Homeworkers registered.
Above figures represent 65% of total homeworkers registered.

SCHEDULE III-A

Earnings of Homeworkers in Metropolitan Areas of U.S., entire 8 Weeks April 1,1935-May 25,1935.

1	2	3	4	5	6	7	8	9	10	11	12	13
States	Number Home-Workers Paid	% of State total	Total Earnings	Range Individual Earnings 8 Weeks High	Low	Average Earnings	Homeworkers Paid: under $6. Number	%	$6. - $10. Number	%	over $10. Number	%
New York	3,105	67.7	50,510.10	228.64	.15	16.27	1114	35.9	534	17.2	1457	46.9
Maine	-	-	-	-	-	-	-	-	-	-	-	-
New Jersey	785	52.1	12,758.06	244.77	.41	16.25	291	37.1	140	17.8	354	45.1
Pennsylvania	1,008	73.3	18,070.71	168.30	.33	17.92	342	33.9	208	20.7	458	45.4
Tennessee	3	.7	9.38	4.83	1.66	3.13	3	100.0	-	-	-	-
Kentucky	-	-	-	-	-	-	-	-	-	-	-	-
California	134	100.	1,317.48	79.71	1.20	9.83	63	47.0	21	15.7	50	37.3
Massachusetts	57	71.2	608.13	9.11	.55	10.67	34	59.7	8	14.0	15	26.3
Vermont												
New Hampshire												
Michigan	1	2.	2.27	2.27	2.27	2.27	1	100.0				
Ohio	18	40.	212.89	35.65	2.09	11.83	7	38.9	3	16.7	8	44.4
Connecticut	15	37.5	199.11	121.12	.75	13.27	10	66.7	3	20.0	2	13.3
Maryland	1	3.7	2.16	2.16	2.16	2.16	1	100.0	-	-	-	-
Wisconsin	1		8.75	8.75	8.75	8.75			1			
Illinois	14		917.18	90.00	27.50	65.51					14	
Virginia	1		17.40	17.40	17.40	17.40					1	
Delaware	5		30.72	9.16	2.33	6.14	2		3			
North Carolina												
Washington	5		24.94	9.04	2.09	4.99	4		1			
Florida												
Georgia												
Minnesota												
Texas	1		1.73	1.73	1.73	1.73	1					
Alabama												
Colorado												
Oklahoma												
Rhode Island	1		4.82	4.82	4.82	4.82	1					
West Virginia												
Dist. of Col.	2		5.56	3.91	1.65	2.78	2					
Totals	5,157 (38.9% of total number)		84,702.39 (66.3% of total earnings)	244.77	.15	16.42	1876	36.4	922	17.9	2359	45.7

Note: No Homeworkers paid in this area in 11 States included in survey.

SCHEDULE XXI-B

Earnings of Homeworkers in Cities of 50,000 or more (not Metropolitan Areas) 8 Week Period April-May, 1935

1	2	3	4	5	6	7	8	9	10	11	12	13
States	Number Home Workers Paid	% of State Total	Total Earnings	Range Individual Earnings 8 Weeks High	Low	Average Earnings	Homeworkers Paid: under $6. Number	%	$6.-$10. Number	%	over $10. Number	%
New York	1		$ 1.25	$ 1.25	$ 1.25	$ 1.25	1	100.0				
Maine	21	47	90.70	15.57	.30	4.32	16	76.2	3	14.3	2	9.5
New Jersey												
Pennsylvania	5	36	36.31	9.55	4.34	7.26	1	20.0	4	80.0		
Tennessee												
Kentucky												
California												
Massachusetts	1		8.80	8.80	8.80				1	100.0		
Vermont												
New Hampshire	3	6	7.16	2.70	2.16	2.39	3	100.0				
Ohio												
Connecticut	6	15	40.25	24.50	.97	6.71	5	90.0			1	10.0
Maryland												
Wisconsin												
Illinois												
Virginia												
Delaware												
North Carolina												
Washington												
Florida												
Georgia												
Minnesota												
Texas												
Alabama												
Colorado												
Oklahoma												
Rhode Island												
West Virginia												
Dist. of Col.												
Totals	37 (.3% of total number)		$ 184.47 (.1% of total earnings)	$24.50	$ .30	$ 4.99	26	70.3	8	21.6	3	8.1

Note: In this Section no Homeworkers in 25 of the States

SCHEDULE III-C

Earnings of Homeworkers in Towns of 5000 to 50,000.

1	2	3	4	5	6	7	8	9	10	11	12	13
States	Number Home Workers Paid	% of State Tot.	Total Earnings	Range Individual Earnings 8 Weeks High	Low	Average Earnings	Homeworkers Paid: under $6. Number	%	$6.-$10. Number	%	over $10. Number	%
New York	184	.4	$ 933.90	$ 54.32	$ .29	$ 5.07	135	73.4	25	13.6	24	13.0
Maine	224	.5	1078.08	77.44	.28	4.81	178	79.5	30	13.4	16	7.1
New Jersey	187	.12	1456.51	109.40	.30	7.79	114	61.0	33	17.6	40	21.3
Pennsylvania	73	.5	403.01	18.10	.50	5.52	50	68.5	14	19.2	9	12.3
Tennessee	6	.1	18.19	8.88	1.12	3.03	5	83.3	1	16.7		
Kentucky	2	.1	20.24	14.15	6.09	10.12			1	50.0	1	50.0
California												
Massachusetts	6	.7	25.18	7.65	.87	4.19	5	83.3	1	16.7		
Vermont	6	.8	34.35	8.10	2.91	5.72	3	50.0	3	50.0		
New Hampshire	7	.13	49.21	9.33	4.80	7.03	2	28.6	5	71.4		
Michigan	42	.8	1411.42	82.93	3.83	33.61	2	4.8	3	7.1	37	88.1
Ohio	25	.55	482.80	46.94	3.15	19.31	2	8.0	4	16.0	19	76.0
Connecticut	10	.25	31.51	10.65	.87	3.15	9	90.0			1	10.0
Maryland	15	.56	83.94	9.51	2.00	5.60	9	60.0	6	40.0		
Wisconsin	24	.96	732.14	77.70	1.95	30.50	2		1		21	
Illinois	1		3.97	3.97	3.97	3.97	1					
Virginia	2	.18	12.27	8.67	3.60	6.14	1		1			
Delaware												
North Carolina												
Washington												
Florida												
Georgia	1		3.38	3.38	3.38	3.38	1					
Minnesota												
Texas												
Alabama	1		2.02	2.02	2.02	2.02	1					
Colorado	1		4.12	4.12	4.12	4.12	1					
Oklahoma												
Rhode Island												
West Virginia	1		2 90	2.90	2.90	2.90	1					
Dist. of Col.												
Total	818 (6.1% of total number)		$6789.14 (5.3% of total earnings)	$109.40	$ .28	$ 8.30	522	63.8	128	15.7	168	20.5

SCHEDULE III-D
Earnings of Homeworkers in Rural Sections

1	2	3	4	5	6	7	8	9	10	11	12	13
States	Number Home Workers Paid	% of State Total	Total Earnings	Range Individual Earnings 8 Weeks High	Low	Average Earnings	Homeworkers Paid: under $6. Number	%	$6.-10. Number	%	over $10. Number	%
New York	1294	28.2	$ 6161.07	$ 81.29	$ .45	$ 4.76	1005	77.6	177	13.4	112	8.6
Maine	4196	94	20671.90	168.59	.22	4.93	3264	77.7	639	15.3	293	6.9
New Jersey	552	35.4	3306.41	86.07	.35	6.21	366	66.7	88	16.5	78	14.8
Pennsylvania	289	21	1880.03	32.25	.62	6.71	175	60.6	75	25.9	39	13.5
Tennessee	420	98.3	1372.15	26.65	.48	3.27	374	89	35	8.3	11	2.6
Kentucky	337	99	1175.15	27.36	.74	3.49	295	86.9	38	11.2	6	1 7
California												
Massachusetts	16	20	41.76	6.50	.63	2.61	15	93.7	1	0.2		
Vermont	68	91.9	751.13	143.72	.70	11.05	47	69.1	9	13.2	12	17.6
New Hampshire	42	87.6	179.68	19.80	.21	4.17	35	81.4	5	13.9	2	4 6
Michigan	7	14	76.03	17.20	.96	10.86	2	28.5	1	14.2	4	57.1
Ohio	2	4.4	15.77	13.50	2.27	7.89	1	50			1	50
Connecticut	9	22.5	74.42	31.96	1.13	8.27	5	55 5	1	11 1	3	33.3
Maryland	11	44.9	47.26	8.71	1.90	4.29	9	81.8	2	18.1		
Wisconsin												
Illinois	4		39.50	16.55	4.02	9.88	1	25	1	25	2	50
Virginia	8		49.14	29.05	1.59	6.14	7				1	
Delaware	5		34.28	9.12	2.52	6.86	2		3			
North Carolina	6		28.09	7.90	1.86	4.68	3		3			
Washington												
Florida	2		21.50	15.50	6.00	10.75			1		1	
Georgia	1		1.31	1.31	1.31	1.31	1					
Minnesota	2		6.99	5.36	1.63	3.49	2					
Texas	1		9.22	9.22	9.22	9.22			1			
Alabama												
Colorado												
Oklahoma	1		2.68	2.68	2.68	2.68	1					
Rhode Island												
West Virginia												
Dist. of Col.												
Total	7254		$35946.23	$ 143.72	$ .21	$ 4.96	5608	77.3	1081	14.8	565	07.9
	(54.7% of total number)		(28.1% of total earnings)									

Note: No homeworkers in this section in 8 of the states included in the Registry.

0986

SCHEDULE IV.

Data on Earnings .. Group . (1) "holly Handknitted Infants Wear (including Headwear up to Age 6) for 8 Week Pe

1	2	3	4	5	6	7	8	9	10	11	12
States	Number Home Workers Paid	Total Earnings	Range Individual Earnings 8 Weeks		Average Earnings	Homeworkers Paid:					
			High	Low		under $6.		$6. - $10.		over $10.	
						Number	%	Number	%	Number	%
Maine	4345	$21,082.25	$109.59	.22	$ 4.84	3404	78.3	652	15.	289	6.7
New York	1910	12,677.04	223.19	.29	6.64	1332	69.8	285	14.9	293	15.3
New Jersey	1013	7,634.44	109.40	.30	7.54	615	60.8	199	19.6	199	19.6
Pennsylvania	625	5,057.61	72.35	.33	8.09	326	52.1	161	25.8	138	22.1
Tennessee	429	1,399.72	26.65	.48	3.26	382	89.1	36	8.4	11	2.5
Kentucky	338	1,193.45	27.36	.74	3.53	292	86.4	39	11.5	7	2.1
California	104	803.06	37.05	1.20	7.79	55	52.9	18	17.3	31	29.8
Massachusetts	67	302.27	26.03	.55	4.51	52	77.6	10	14.9	5	7.5
Vermont	65	287.20	11.60	.70	4.42	50	76.9	12	18.5	3	4.6
New Hampshire	53	235.95	19.80	.21	4.45	40	75.4	11	20.9	2	3.7
Connecticut	40	345.29	121.12	.75	8.63	29	72.5	4	10	7	17.5
Maryland	26	132.86	9.51	1.90	5.11	18	69.2	8	30.8		
Delaware	10	65.00	9.16	2.33	6.50	4		6			
Virginia	8	72.63	29.06	1.59	9.08	5		1		2	
North Carolina	6	28.09	7.90	1.86	4.68	3		3			
Ohio	5	21.44	11.29	2.09	4.28	4				1	
Washington	5	24.94	9.04	2.09	4.99	4		1			
Illinois	3	14.56	6.57	3.97	4.85	2		1			
Florida	2	21.50	15.50	6.00	10.75			1		1	
Georgia	2	4.69	3.38	1.31	2.35	2					
Minnesota	2	6.99	5.36	1.63	3.50	2					
Texas	2	10.95	9.22	1.73	5.48	1		1			
Dist. of Col.	2	5.56	3.91	1.65	2.28	2					
Michigan	1	2.27	2.27	2.27	2.27	1					
Alabama	1	2.02	2.02	2.02	2.02	1					
Colorado	1	4.12	4.12	4.12	4.12	1					
Oklahoma	1	2.68	2.68	2.68	2.68	1					
Rhode Island	1	4.82	4.82	4.82	4.82	1					
West Virginia	1	2.90	2.90	2.90	2.90	1					
Total	9063	$51,415.30	$223.19	$ .21	$ 5.67	6630	73.2	1449	15.9	989	10.9

Note: On the subsequent tables % omitted for states with less than 50 homeworkers reported.

SCHEDULE IV-A. (Metropolitan Areas only)

Group (1) Wholly Handknitted Infants Wear (including Headwear up to Age 6)

1	2	3	4	5	6	7	8	9	10	11	12
States	Number Home Workers Paid	Total Earnings	Range Individual Earnings 8 Weeks High	Low	Average Earnings	Homeworkers Paid: under $6. Number	%	$6. & $10. Number	%	over $10. Number	%
New York	483	$ 6,247.12	$ 223.19	$ .38	$ 12.93	210	43.4	92	19.1	181	37.5
New Jersey	316	2,997.16	105.00	.60	9.49	151	47.7	79	2.5	86	27.3
Pennsylvania	277	3,006.69	72.35	.33	10.87	108	39	73	26.3	96	34.7
Tennessee	3	9.38	4.83	1.66	3.12	3					
California	104	803.06	37.05	1.20	7.72	55	52.8	18	17.3	31	29.9
Massachusetts	45	228.52	26.03	.55	5.08	33	73.3	7	15.6	5	11.1
Connecticut	15	199.11	121.12	.75	13.27	10	66.7	3	20	2	13.3
Maryland	1	2.16			2.16	1					
Delaware	5	30.72	9.16	2.33	6.14	2		3			
Virginia	1	17.40			17.40					1	
Ohio	3	16.02	11.29	2.09	5.34	2				1	
Washington	5	24.94	9.04	2.09	4.98	4		1			
Texas	1	1.73			1.73	1					
Dist. of Col.	2	5.56	3.91	1.65	2.78	2					
Michigan	1	2.27			2.27	1					
Rhode Island	1	4.82			4.82	1					
Total	1263 (13% of total)	$13,596.66 (26% of total)	$ 223.19	.33	10.77	584	46.3	276	21.8	403	31.9

SCHEDULE IV-B (In cities of 50,000 and up -not Metro.)

Group (1) Wholly Handknitted Infants Wear

Maine	20	$ 89.80	15.67	.30	4.49	15	75	3	15	2	10
New York	1	1.25			1.25	1					
Pennsylvania	5	36.31	9.55	4.34	7.26	1		4			
Massachusetts	1	8.80			8.80			1			
New Hampshire	3	7.16	2.70	2.16	2.39	3					
Connecticut	6	40.25	24.50	.97	6.71	5				1	
Total	36 (4% of total)	183.57 (4% of total earnings)	24.50	.30	5.10	25	69.5	8	22.2	3	8.3

SCHEDULE IV-C (in cities 5-50,000)
Group (1) Wholly Handknitted Infants Wear.

1	2	3	4	5	6	7	8	9	10	11	12
			Range Individual Earnings 8 Weeks		Average Earnings	Homeworkers Paid:					
	Number Home Workers	Total				under $6.		$6. - $10.		over $10.	
States	Paid	Earnings	High	Low		Number	%	Number	%	Number	%
Maine	195	$ 761.40	$ 77.44	.28	$ 3.85	167	84.3	25	12.6	6	3
New York	183	921.87	54.32	.29	5.04	135	73.7	25	13.6	23	12.5
New Jersey	180	1,442.44	109.40	.30	8.01	107	59.4	333	18.3	40	22.2
Pennsylvania	72	401.24	18.10	.50	5.57	49	68	14	19.4	9	12.5
Tennessee	6	18.19	8.88	1.12	3.03	5	83.3	1	16.6		
Kentucky	2	20.24	14.15	6.09	10.12			1	50.	1	50
Massachusetts	6	25.18	7.65	.87	4.20	5	83.3	1	16.6		
Vermont	6	34.35	8.10	2.91	5.73	3	50	3	50.		
New Hampshire	7	49.21	9.33	4.80	7.03	2	28.5	5	71.4		
Connecticut	10	31.51	10.65	.87	3.15	9	90			1	10
Maryland	14	83.44	9.51	2.00	5.96	8	57.1	6	42.8		
Virginia	1	8.67			8.67			1			
Ohio	1	3.15			3.15	1					
Illinois	1	3.97			3.97	1					
Georgia	1	3.38			3.38	1					
Alabama	1	2.02			2.02	1					
Colorado	1	4.12			4.12	1					
West Virginia	1	2.90			2.90	1					
Total	691 (7% of total)	$3,817.28 (7% of total earnings)	$ 109.40	.28	$ 5.52	496	71.7	115	16.6	80	11.5

SCHEDULE IV-D (in Rural Areas)

Group (1) Wholly Hand Knitted or Crocheted Infantswear (including Headwear) to age 6

1	2	3	4	5	6	7	8	9	10	11	12
States	Number Homeworkers Paid	Total Earnings	Range Individual Earnings for entire 8 week period			Homeworkers Paid: under $6		$6 to $10		over $10	
			High	Low	Average	Number	%	Number	%	Number	%
Maine	4127	$20,200.05	$108.59	$ .22	$4.89	3222	78	624	15.1	281	6.8
New York	1243	5,506.80	81.29	.45	4.43	986	79.3	168	13.5	89	7.1
New Jersey	517	3,194.84	86.07	.30	6.18	357	69	87	16.8	73	14.2
Pennsylvania	271	1,613.37	32.25	.84	5.95	168	62	70	25.8	33	12.2
Tennessee	420	1,372.15	26.66	.48	3.27	374	89	35	8.3	11	2.6
Kentucky	336	1,173.21	27.36	.74	3.49	292	86.9	38	11.3	6	1.8
Massachusetts	15	39.77	6.50	.63	2.65	14	93.4	1	6.6	—	
Vermont	59	252.85	11.80	.70	4.29	47	79.6	9	15.2	3	5
New Hampshire	43	179.58	19.80	.21	4.18	35	81.4	6	13.9	2	4.6
Connecticut	9	74.42	31.96	1.13	8.27	5	55.5	1	11.1	3	33.3
Maryland	11	47.26	8.71	1.90	4.30	9	81.8	2	18.1	—	
Delaware	5	34.28	9.12	2.52	6.86	2		3		—	
Virginia	6	46.56	29.05	1.59	7.76	5		—		1	
North Carolina	6	28.09	7.90	1.86	4.68	3		3		—	
Ohio	1	2.27				1		—		—	
Illinois	2	10.59	6.57	4.02	5.30	1		1		—	
Florida	2	21.50	15.50	6.00	10.75	—		1		1	
Georgia	1	1.31				1		—		—	
Minnesota	2	6.99	5.36	1.63	3.49	2		—		—	
Texas	1	9.22				—		1		—	
Oklahoma	1	2.68				1		—		—	
Totals	7078 (78.1% of total in group)	$33,817.79 (65.8% of total for group)	$108.59	.21	4.78	5525	78	1050	14.8	503	7.1

9940

SCHEDULE V.

Group (2) - Wholly Handknitted or Crocheted Ladies Sportswear

1. STATES	2. Home-workers Paid	3. Total Earnings	4. Range Individual earnings for entire 8 week period: High	5. Low	6. Average	7. Homeworkers Paid: under $6: Number	8. %	9. $6 to $10: Number	10. %	11. Over $10: Number	12. %
Pennsylvania	715	$13,463.01	$136.20	$ .45	$18.85	236	33	137	19.2	342	47.8
New York	137	1,173.68	61.63	.85	8.57	79	58	32	23	26	19
New Jersey	116	1,102.98	91.20	.50	9.51	73	63	10	9	33	28
Maryland	1	.50	.50	.50	.50	1	--	--	--	--	--
TOTALS	969	$15,740.17	$136.20	.45	$16.24	389	40.1%	179	18.5%	401	41.4%
BY AREAS:											
V-A:Metropolitan											
Pennsylvania	706	13,326.35	136.20	.45	18.88	234	33	134	19	338	48
New York	136	1,154.38	61.63	.85	8.49	79	58%	32	24%	25	18
New Jersey	114	1,099.78	91.20	.50	9.65	71	62	10	9	33	29
	956(98.66%)	15,580.51(98.9	136.20	.45	16.30	384	40.2%	176	18.4%	396	41.4%
V-B Cities over 50,000	--	--	--	--	--	--	--	--	--	--	--
V-C: Cities 5,000/50,000											
Maryland	1	.50	.50	.50	.50	1	--	--	--	--	--
V-D: Rural											
Pennsylvania	9	136.66	35.25	.62	15.18	2	--	3	--	4	--
New York	1	19.30	19.30	19.30	19.30	--	--	--	--	1	--
New Jersey	2	3.20	22.00	1.20	1.60	2	--	--	--	--	--
	12 (1.2%)	$159.16(1.2%)	35.25	.62	13.26	*	--	--	--	5	

SCHEDULE VI.

Group (3) - Wholly Hand Knitted or Crocheted Headwear

States	Home-Workers Paid	Total Earnings	Range Individual Earnings for entire week period			Homeworkers Paid:					
						Under $6		$6 to $10		Over $10	
			High	Low	Average	Number	%	Number	%	Number	%
New York	1488	$18,321.09	$219.77	$.25	$12.31	625	42	289	19.4	574	38.5
New Jersey	80	1,425.16	244.77	.41	17.81	28	35	19	23.7	33	41.2
Pennsylvania	5	112.08	46.13	7.25	22.42			1	20	4	80
Michigan	38	1,259.97	82.93	3.83	33.16	2	5.2	3	7.9	33	86.8
TOTALS	161	$21,118.30	$244.77	.25	$13.11	655	40.6%	312	19.3%	644	39.9%
By Areas:											
VI-A:Metropolitan											
New York	1482	18,250.69	219.77	.25	12.31	625	42.1	286	19.3	571	38.5
New Jersey	79	1,421.31	244.77	.41	17.99	27	34.1	19	24	33	41.7
Pennsylvania	5	112.08	46.13	7.25	22.42			1	20	4	80
	1566 (97.2% of total in group)	$19,784.08 (93.6% of total for group)	$244.77	$.25	$12.63	652	41.6	306	19.5	608	38.8
VI-B Cities over 50,000	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
VI-C: Cities 5,000/50,000											
Michigan	38 (2.3% of total in group)	1,259.97 (5.9% of total for group)	82.93	3.83	33.16	2	5.2	3	7.8	33	86.8
VI-D: Rural											
New York	6	70.40	17.00	8.40	11.73			3	50	3	50
New Jersey	1	3.85	3.85	3.85	3.85	1					
	7 (.4%of total in group	$74.25 (.3% of total for group)	$17.00	$3.85	10.61	1		3		3	

SCHEDULE VII

Group (4) Hand Joined Infantswear

1	2	3	4	5	6	7	8	9	10	11	12
STATES	Home-Workers Paid	Total Earnings	Range Individual Earnings for entire 8 week period			Homeworkers Paid: Under $6		$6 to $10		Over $10	
			High	Low	Average	Number	%	Number	%	Number	%
California	18	$287.99	$43.18	$4.67	$16.00	3	16.6	1	5.6	14	77.7
Michigan	7	76.03	17.20	.96	10.86	2	28.6	1	14.3	4	57.1
New Jersey	75	1,864.29	138.87	1.44	24.85	9	12.	6	8	60	80
New York	417	10,581.66	228.64	.70	25.38	66	15.8	43	10.3	308	73.9
Pennsylvania	2	108.48	91.23	17.25	54.28					2	100
TOTALS	519	$12,918.45	$228.64	.70	24.89	80	15.4	51	9.8	388	74.8
By Areas:											
VII-A: Metropolitan											
New York	411	10,415.79	228.64	.70	25.34	65	15.8	42	10.2	304	74
New Jersey	71	1,806.80	138.87	1.44	25.45	8	11.2	6	8.5	57	80.3
Pennsylvania	1	17.25			17.25					1	100
California	18	287.99	43.18	4.67	16.00	3	16.6	1	5.6	14	77.7
	501 (96.5% of total in group)	$12,527.83 (96.9% of total for group)	$228.64	$ .70	$25.01	76	15.2	49	9.8	376	75
VII-B Cities over 50,000	0	0	0	0	0	0	0	0	0	0	0
VII-C: Cities 5,000/50,000	0	0	0	0	0	0	0	0	0	0	0
VII-D Rural											
New York	6	165.87	52.80	2.63	27.65	1	16.7	1	16.7	4	66.7
New Jersey	4	57.49	20.84	2.00	14.37	1	25			3	75
Pennsylvania	1	91.23	91.23	91.23	91.23					1	100
Michigan	7	76.03	17.20	.96	10.86	2	28.6	1	14.3	4	57.1
	18 (3.4% of total in group)	$390.62 (3% of total for group)	$91.23	$ .96	$21.70	4	22.2	2	11.1	12	66.7

SCHEDULE VIII - Group (5) Hand Joined Adultswear

2	3	4	5	6	7	8	9	10	11	12
STATES	Home-Workers Paid	Total Earnings	Range Individual Earnings for entire 8 week period High	Low	Average	Homeworkers Paid Under $5 Number	%	$5 to $10 Number	%	Over $10 Number	%
California	1	$ 56.40	$ 56.40	$ 56.40	$56.40					1	
Massachusetts	9	271.40	68.89	10.45	30.15					9	
Ohio	2	22.35	19.35	3.00	11.18	1	50			1	50
Wisconsin	1	8.75	8.75	8.75	8.75			1			
Vermont	9	498.28	143.72	24.00	55.36					9	
Illinois	2	28.91	16.15	12.76	14.46					2	
Maine	14	111.04	56.89	1.88	7.93	7	50	5	35.7	2	14.3
New Jersey	15	379.16	64.90	3.85	25.28	3	20	2	13.3	10	66.7
New York	96	2,533.28	68.74	2.25	26.39	15	15.6	13	13.6	68	70.8
Pennsylvania	19	1,595.36	168.30	32.40	83.97					19	
TOTAL	168	$5,504.93	$168.30	$1.88	$32.77	26	15.5	21	12.5	121	72
By Areas:											
VIII-A Metropolitan											
New York	95	2,491.35	99.74	2.25	26.22	15	15.8	13	13.7	67	70.5
New Jersey	15	379.16	64.90	3.85	25.28	3	20	2	13.3	10	66.7
Pennsylvania	18	1,585.14	168.30	32.40	88.06					18	
California	1	56.40			56.40					1	
Massachusetts	9	271.40	68.89	10.45	30.16					9	
Wisconsin	1	8.75			8.75			1			
Ohio	2	22.35	19.35	3.00	11.18	1	50			1	50
	141 (83.9% of total group)	$4,814.55 (87.4% of total for group)	$168.30	$2.25	$34.15	19	13.5	16	11.3	106	75.2
VIII-B Cities over 50,000											
Maine	1 (.6% of total in group)	$.90 (.02% of total for group)			$.90	1					
VIII-C: Cities 5,000/50,000											
Maine	10 (5.9% of total in group)	$ 75.90 (1.3% of total for group)	$24.20	$1.88	$7.59	5	50	4	40	1	10
VIII-D: rural											
Maine	3	34.24	21.37	4.31	11.41	1	33.4	1	33.3	1	33.3
New York	1	41.93	41.93	41.93	41.93					1	
Pennsylvania	1	10.22	10.22	10.22	10.22					1	
Vermont	9	498.28	143.72	24.00	55.36					9	
Illinois	2	$28.91	$16.15	$12.76	$14.56					2	
	16	$613.58	$143.72	$ 4.31	$38.35	1	6.3	1	6.3	14	87.4

SCHEDULE IX

Group (6) Hand Finishing of Knitted outerwear Products

1	2	3	4	5	6	7	8	9	10	11	12
STATES	Home-Workers Paid	Total Earnings	Range Individual Earnings for entire 8 week period			Homeworkers Paid					
						Under $6		$6 to $10		Over $10	
			High	Low	Average	Number	%	Number	%	Number	%
New York	99	$3,[illegible]2.51	$214.26	$2.00	$39.12	12	12.1	7	7.1	80	80.8
New Jersey	88	1,821.84	127.09	.40	20.70	22	25	13	15	53	60
Pennsylvania	1	23.20	23.20	23.20	23.20					1	
California	8	155.60	79.71	2.44	19.45	3	37.5	1	12.5	4	50
Massachusetts	2	104.90	97.11	7.79	52.45			1		1	
Ohio	28	508.82	46.94	3.75	18.14	3	10.7	5	17.9	20	71.4
Illinois	14	917.18	90.00	27.50	65.51					14	
Virginia	3	6.18	3.60	.50	2.06	3					
Wisconsin	24	732.14	77.70	1.95	30.51	2	8.3	1	4.2	21	87.5
Michigan	4	151.45	76.80	17.00	37.86					4	
	271	$8,293.82	$214.26	$ .40	$30.60	45	16.6	28	10.3	198	73.1
By Areas:											
IX-A:Metropolitan											
New York	87	3,656.76	214.26	2.00	32.84	12	13.9	4	4.7	71	81.4
New Jersey	79	1,794.46	127.09	1.25	22.71	14	17.7	13	16.5	52	65.8
Pennsylvania	1	23.20			23.20					1	
California	8	155.60	79.71	2.44	19.45	3	37.5	1	12.5	4	50
Massachusetts	2	104.90	97.11	7.79	52.45			1		1	
Ohio	3	15.67	8.17	3.75	5.22	2	66.7	1	33.3		
Illinois	14	917.18	90.00	27.50	65.51					14	
	194(71.5%	$6,667.77(80.3%	$214.26	$1.25	$34.47	31	16	20	10.3	143	73.7
IX-B: Cities(	of grouptotal	)of total for group)									
over 50,000	0	0									
IX-C: Cities 5,000/50,000											
New Jersey	4	8.45	3.75	.40	[illegible].11	4					
Virginia	1	3.60	3.60	3.60	3.60	1					
Ohio	24	479.65	46.94	5.42	19.99	1	4.2	4	16.7	19	79.1
Michigan	4	151.45	76.80	17.00	37.86					4	
Wisconsin	24	732.14	77.70	1.95	30.51	2	8.3	1	4.2	21	87.5
	57(21% of	$ 1,375.29(16.5%	$ 77.70	$ .40	$24.21	8	14	5	8.8	44	77.2
IX-D: RURAL	group total	group total)									
New York	12	215.75	26.88	7.30	17.98			3	25	9	75
New Jersey	5	18.93	11.37	.75	3.79	4				1	
Virginia	2	2.58	2.08	.50	1.29	2					
Ohio	1	13.50	13.50	13.50	13.50					1	
	20 (7.3%	$250.76 (3%	$26.88	$ .50	$12.54	6	30	3	15	11	55
	of group total	group total)									

SCHEDULE X

Group (7) Hand Embroidery on Knitted Outerwear

1	2	3	4	5	6	7	8	9	10	11	12
STATES	Home Workers Paid	Total Earnings	Range Individual Earnings for entire 8 week period			Homeworkers Paid					
						Under $6		$6 to $10		Over $10	
			High	Low	Average	Number	%	Number	%	Number	%
New York	364	$6,650.10	$196.84	$.15	$18.27	106	29	57	16	201	55
New Jersey	31	818.15	71.88	2.09	26.40	3	28.2	4	15.9	24	55.9
Maine	23	102.02	13.37	1.28	4.44	18	78.3	3	13	2	8.7
Pennsylvania	2	8.27	6.00	2.27	4.14	1		1			
California	3	14.43	7.58	3.40	4.81	2	66.7	1	33.3		
Massachusetts	2	5.30	3.31	1.99	2.65	2					
Kentucky	1	1.94	1.94	1.94	1.94	1					
Total	426	$ 7,600.21	$ 196.84	$ .15	$17.84	133	31.2	66	15.5	227	53.3
BY AREAS:											
X-A Metropolitan											
New York	359	$ 6,634.38	$ 196.84	$ .15	$18.48	101	28.2	57	15.9	201	55.9
New Jersey	31	818.15	71.88	1.60	26.40	3	9.7	4	12.9	24	77.4
California	3	14.43	7.58	3.40	4.81	2	66.7	1	33.3		
Massachusetts	1	3.31			3.31	1					
	394 (92.4% of total in group)	$ 7,470.27 (98.2% of total for group)	$ 196.84	$ .15	$18.96	107	27.2	62	15.7	225	57.1
X-B Cities: Over 50,000	0	0									
X-C Cities: 5,000/50,000											
Maine	2 (.4% of total in group)	$ 5.16 (.07% of total for group)	$ 2.80	$2.36	$ 2.58	2					
X-D: Rural											
Maine	21	$ 96.86	$ 13.37	$1.28	$ 4.61	16	76.1	3	14.3	2	9.5
New York	5	15.72	4.63	2.09	3.14	5					
Pennsylvania	2	8.27	6.00	2.27	4.14	1		1			
Kentucky	1	1.94	1.94	1.94	1.94	1					
Massachusetts	1	1.99	1.99	1.99	1.99	1					
	30 (7% of total in group)	$ 124.78 (1.6% of total for group)	$ 13.37	$1.28	$ 4.16	24	80	4	13.3	2	6.7

SCHEDULE XI

Group (8) Hand Sewing Buttons & Button Holes

1	2	3	4	5	6	7	8	9	10	11	12
STATES	Home-Workers Paid	Total Earnings	Range Individual Earnings for entire 8 week period			Home-workers Paid Under $6		Paid $6 to $10		Paid Over $10	
			High	Low	Average	Number	%	Number	%	Number	%
New York	26	$ 991.58	$ 85.98	$ 1.50	$ 38.14	4	15.4	1	3.8	21	80.8
New Jersey	16	273.90	69.61	.50	17.12	6	37.5	1	6.3	9	56.2
TOTALS	42	$ 1,265.48	$ 85.98	$ .50	$ 30.13	10	23.8	2	4.8	30	71.4
BY AREAS:											
XI-A Metropolitan											
New York	23	$ 940.17	$ 85.98	$ 1.50	$ 40.88	4	17.4	1	4.3	18	78.3
New Jersey	16	273.90	69.61	.50	17.12	6	37.5	1	6.3	9	56.2
	39 (92.8% of total in group)	$ 1,214.07 (95.9% of total for group)	$ 85.98	$ .50	$ 31.13	10	25.6	2	5.2	27	69.2
XI-B Cities: Over 50,000	0	0									
XI-C Cities 5,000/50,000	0	0									
XI-D Rural: New York	3 (7.1% of total in group)	$ 51.41 (4% of total for group)	$ 2 47	$ 14.28	$ 17.14					3	

SCHEDULE XII

Group(9) Hand Trimmings

1	2	3	4	5	6	7	8	9	10	11	12
States	Home-Workers Paid	Total Earnings	Range Individual Earnings Entire 8 Week Period			Homeworkers Paid					
			High	Low	Average	Under $6		$6 to $10		Over $10	
						Number	%	Number	%	Number	%
New York	1	$ 16.54			$ 16.54					1	
New Jersey	9	300.32	$ 89.92	$ 5.24	33.37	1	11.1	1	11.1	7	77.8
Totals	10	316.86	89.92	5.24	31.69	1	10	1	10	8	80

THIS GROUP REPORTED IN METROPOLITAN AREA ONLY.

SCHEDULE XIII

Groups - Summary Groups in Knitted Outerwear Industry

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Groups	Home-Workers Paid	% of Total	Group Earnings	% of Total	Range Individual earnings entire 2 wk. period			Homeworkers Under $6		$6 to $10		Paid Over $10	
					High	Low	Average	Number	%	Number	%	Number	%
H.K.or H.C. Infantswear	9068	68.3	$ 51,415.30	40.2	$ 223.19	$ .21	$ 5.67	66 30	73.1	1449	15.9	989	10.9
H.K. or H.C. Ladies Sportswr.	969	7.3	15.740.17	12.3	136.20	.45	16.24	3 89	40.1	179	18.4	401	41.3
Wholly H.K. or H.C. Headwear	1611	12.1	21,118.30	16.5	244.77	.25	13.11	6 55	40.6	312	19.3	644	39.9
H.J.(mach. md. parts)Inf. &Chil.	519	3.9	12,918.45	10.1	228.64	.70	24.89	80	15.4	51	9.8	388	74.7
H.J.(mach md. parts) Adultwear	168	1.2	5,504.93	4.3	168.30	1.88	32.77	26	15.4	21	12.5	121	72
H.F. of K.O. Prod. By Ktg. or Croch.	271	2	8,293.82	6.4	214.26	.40	30.60	45	16.6	28	10.3	198	73
Hand Emb. K.O. Products.	426	3.2	7,600.21	5.9	196.84	15	17.84	133	31.2	66	15.4	227	53.2
H.Sew Buttons & Buttonholes	42	.3	1,265.48	.9	85.98	.50	30.13	10	23.8	2	4.7	30	71.4
Hand Trimmings	10	.07	316.86	.24	89.92	5.24	31.69	1	10.	1	10.	8	80
TOTALS	13084	98.5	$ 124,173.52	97.2	$ 244.77	$ .15	$ 9.49	7969	60.9	2109	16.1	3006	22.9
Total Engaged in more than one group.	182	1.5	3,448.71	2.8			18.95	63		30		89	
TOTALS	13266	100%	$ 127,622.23	100%	$244.77	$ .15	$ 9.62	8032	60.9	2139	16.1	3095	22.9

SUBSIDIARY - PAYMENTS TO HOMEWORKERS ACROSS STATE BOUNDARIES APRIL 1 to May 25th, 1938.

By Mfrs. located in:	To Homeworkers located in:	Group (1) Infwr. No.	Amount	(2) Sportswr. No.	Amount	(3) Headwr. No.	Amount	(4) S.J. Inf. No.	Amount	Sportwr. (5) S.J. No.	Amt.	(6) Finish. No.	Amt.	(7) Rabroid No.	Amt.	In more than one group No.	Amount
New York	Alabama	1	$ 2.02														
	Colorado	1	4.12														
	Connecticut	9	84.62														
	Delaware	2	12.34														
	District of Col.	2	5.56														
	Georgia	2	4.69														
	Illinois	2	14.56														
	Kentucky	338	1,193,45													1	1.94
	Maine	4,071	19,237.16											23	102.02	76	353.92
	Maryland	8	23.67														
	Massachusetts	64	289.70											2	5.30		
	Michigan	1	2.27														
	Minnesota	2	6.99														
	New Hampshire	53	235.95														
	North Carolina	6	28.09														
	Ohio	5	21.44														
	New Jersey	72	752.07			5	535.03	19	674.69					3	85.62	6	163.46
	Oklahoma	1	2.68														
	Pennsylvania	77	392.47											2	8.27	5	101.06
	Rhode Island	1	4.82														
	Tennessee	429	1,399.72														
	Texas	2	10.95														
	Vermont	65	287.20														
	Virginia	7	55.23														
	Washington	1	2.09														
	West Virginia	1	2.90														
		5,223	24,076.96			5	535.03	19	674.69					30	201.21	88	620.38
New Jersey	Florida	2	21.50														
	New York	3	7.27					1	32.00								
	Virginia	1	17.40														
	Pennsylvania	53	322.85														
		59	369.02					1	32.00								
Pennsylvania	Delaware	7	44.33														
	Maryland	15	98.81														
	New Jersey	151	1,135.05	3	158.90					2	76.06						
	New York	1	7.92														
		174	1,286.11	3	158.90					2	76.06						
Wisconsin	Michigan											4	151.45				
Group totals		5456	25,732.09	3	158.90	5	535.03	20	706.69	2	76.06	4	151.45	30	201.21	88	620.38
	TOTAL	5608	$28,181.81														

SCHEDULE XIV - PAYMENTS TO HOMEWORKERS ACROSS STATE BOUNDARIES APRIL 1 to MAY 25,1935.
(continued)

By Contractors located in:	To Homeworkers located in	Group (1) No. H.W.	Infantswear Amount
New York	Maryland	7	$21.71
New Jersey	Connecticut	1	1.08
	Pennsylvania	22	189.34
Maine	Connecticut	1	2.89
	Massachusetts	1	4.20
Connecticut	New York	8	20.33
	Massachusetts	1	2.10
Total by Contractors		41	$241.65
By Mfrs.		5608	28,181.81
TOTAL for all groups		5649	$28,423.46

Note: Payments by contractors across state boundaries were in hand knitted or crocheted infantswear group only.

OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION

THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of the National Recovery Administration. The pertinent part of the Executive Order reads thus:

> The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title. I hereby appoint Leon C. Marshall, Director of the Division of Review.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof; the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In Work Materials No. 18, Contents of Code Histories, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes

set forth the origination of the codes, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Material Series) have been made. These are listed below, grouped according to the character of the material. (In Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process, the materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Economic Survey of
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
  Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
  Part B - Section 3 (e) of NIRA and its administration.
  Part C - Imports and Importing under NRA Codes.
  Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Labor Income by Months, 1929-35
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The
Women's Neckwear and Scarf Industry, Financial and Labor Data on

Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: Trade Practice Provisions in Selected NRA Codes
Distributive Relations in the Asbestos Industry
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control in the Ice Industry
Production Control, Case Studies in
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for comparision with Trade Practice Provisions of NRA Codes.

Labor Studies

Cap and Cloth Hat Industry, Commission Report on Wage Differentials in
Earnings in Selected Manufacturing Industries, by States, 1933-35
Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-35
Fur Manufacturing, Commission Report on Wages and Hours in
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
  Part A. Introduction
  Part B. Control of Hours and Reemployment
  Part C. Control of Wages
  Part D. Control of Other Conditions of Employment
  Part E. Section 7(a) of the Recovery Act
Materials in the Field of Industrial Relations
PRA Census of Employment, June, October, 1933
Puerto Rico Needlework, Homeworkers Survey

Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Conditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their part in the Administration of the NIRA
  Part A. Introduction
  Part B. Nature, Composition and Organization of Code Authorities

Part C. Activities of the Code Authorities
Part D. Code Authority Finances
Part E. Summary and Evaluation
Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provisions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
Part A. Executive and Administrative Orders
Part B. Labor Provisions in the Codes
Part C. Trade Practice Provisions in the Codes
Part D. Administrative Provisions in the Codes
Part E. Agreements under Sections 4(a) and 7(b)
Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades, Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government Funds
Relationship of NRA with States and Municipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competition
Collective Bargaining Agreements, the Right of Individual Employees to Enforce
Commerce Clause, Federal Regulation of the Employer-Employee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending Power
Government Contract Provisions as a Means of Establishing Proper Economic Standards, Legal Memorandum on Possibility of
Industrial Relations in Australia, Regulation of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Commerce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power — Can it be Used as a Means of Federal Industrial Regulation?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in
Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?

THE EVIDENCE STUDIES SERIES

The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of those studies follows:

Automobile Manufacturing Industry
Automotive Parts and Equipment Industry
Baking Industry
Boot and Shoe Manufacturing Industry
Bottled Soft Drink Industry
Builders' Supplies Industry
Canning Industry
Chemical Manufacturing Industry
Cigar Manufacturing Industry
Coat and Suit Industry
Construction Industry
Cotton Garment Industry
Dress Manufacturing Industry
Electrical Contracting Industry
Electrical Manufacturing Industry
Fabricated Metal Products Mfg. and Metal Finishing and Metal Coating Industry
Fishery Industry
Furniture Manufacturing Industry
General Contractors Industry
Graphic Arts Industry
Gray Iron Foundry Industry
Hosiery Industry
Infant's and Children's Wear Industry
Iron and Steel Industry
Leather Industry
Lumber and Timber Products Industry
Mason Contractors Industry
Men's Clothing Industry
Motion Picture Industry
Motor Vehicle Retailing Trade
Needlework Industry of Puerto Rico
Painting and Paperhanging Industry
Photo Engraving Industry
Plumbing Contracting Industry
Retail Lumber Industry
Retail Trade Industry
Retail Tire and Battery Trade Industry
Rubber Manufacturing Industry
Rubber Tire Manufacturing Industry
Shipbuilding Industry
Silk Textile Industry
Structural Clay Products Industry
Throwing Industry
Trucking Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Wholesale Fresh Fruit and Vegetable Industry
Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:
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Asphalt Shingle and Roofing Industry
Business Furniture
Candy Manufacturing Industry
Carpet and Rug Industry
Cement Industry
Cleaning and Dyeing Trade
Coffee Industry
Copper and Brass Mill Products Industry
Cotton Textile Industry
Electrical Manufacturing Industry
Fertilizer Industry
Funeral Supply Industry
Glass Container Industry
Ice Manufacturing Industry
Knitted Outerwear Industry
Paint, Varnish, and Lacquer, Mfg. Industry
Plumbing Fixtures Industry
Rayon and Synthetic Yarn Producing Industry
Salt Producing Industry

THE COVERAGE

The original, and approved, plan of the Division of Review contemplated resources sufficient (a) to prepare some 1200 histories of codes and NRA units or agencies, (b) to consolidate and index the NRA files containing some 40,000,000 pieces, (c) to engage in extensive field work, (d) to secure much aid from established statistical agencies of government, (e) to assemble a considerable number of experts in various fields, (f) to conduct approximately 25% more studies than are listed above, and (g) to prepare a comprehensive summary report.

Because of reductions made in personnel and in use of outside experts, limitation of access to field work and research agencies, and lack of jurisdiction over files, the projected plan was necessarily curtailed. The most serious curtailments were the omission of the comprehensive summary report; the dropping of certain studies and the reduction in the coverage of other studies; and the abandonment of the consolidation and indexing of the files. Fortunately, there is reason to hope that the files may yet be cared for under other auspices.

Notwithstanding these limitations, if the files are ultimately consolidated and indexed the exploration of the NRA materials will have been sufficient to make them accessible and highly useful. They constitute the largest and richest single body of information concerning the problems and operations of industry ever assembled in any nation.

L. C. Marshall,
Director, Division of Review.

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